

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, FEBRUARY 3, 2020 TIME: 6:15PM

- 6:15PM – PUBLIC DIALOGUE SESSION

- I. WORK SESSION
- II. CALL TO ORDER [7:00 p.m. or thereafter]
- III. ROLL CALL
- IV. INVOCATION
- V. PLEDGE OF ALLEGIANCE

PRESENTATIONS:

1. *Sagamore Avenue Sewer Extension – Terry Desmarais, City Engineer & Suzanne Woodland, Deputy City Attorney (***Sample motions: 1) move to suspend the rules in order to take action under this section of the agenda; and 2) move to establish a work session to be held on March 2, 2020 for purposes of reviewing the Sagamore Creek Sewer Project options***)
2. *New Recreational Fields – Peter Rice, Public Works Director (***Sample motions: 1) move to suspend the rules in order to take action under this section of the agenda; and 2) move to establish a work session to be held on February 18, 2020 for purposes of reviewing Athletic Field Project options***)
3. *Right-to-Know Law – Robert Sullivan, City Attorney

VI. ACCEPTANCE OF MINUTES – JANUARY 8, 2020

VII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

VIII. PUBLIC COMMENT SESSION (***Sample motion – move to suspend the rules in order to restructure the agenda and move the Public Comment Session before the Presentations***)

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

A. Public Hearing Re: Elderly Exemption

Resolution Pursuant to RSA 72:39-b the City hereby amends the elderly exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$43,151.00 for a single taxpayers or \$59,332.00 for married taxpayers, inclusive of social security payments. The elderly exemption shall remain unchanged except as amended hereby

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

B. Public Hearing Re: Disabled Exemption

Resolution Pursuant to RSA 72-37-b the City hereby amends the disabled exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$43,151.00 for a single taxpayers or \$59,332.00 for married taxpayers, inclusive of social security. The disabled exemption shall remain unchanged except as amended hereby

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

X. MAYOR BECKSTED

1. *Appointment to be Voted:
 - Joseph ONeill as an Alternate to the Conservation Commission

XI. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. Report Re: Testimony on House Bill 1060, "Allowing Municipalities to Collect an Occupancy Fee from Operators of Local Room Rentals," and Senate Bill 616, "Establishing a Committee to Study the Meals and Rooms Tax Distribution Formula"
2. Report Re: "Neighborhood Walk," and "2050 Vision: North Mill Pond"

B. COUNCILOR McEACHERN

1. *Identifying Costs Associated with Tourism and the Impact on Infrastructure Spending
2. *Options to Better Align Hoteliers with Interests and Needs of the City
3. *Formalizing a Coalition, Similar to the State Wide Property Tax Coalition, to Address Distribution of Room and Meals Tax in Concord

C. COUNCILOR KENNEDY

1. Two Policies that were presented at the Budget Work Session:
 - A. Any contract with a value of \$10,000.00 or more will come in front of the Portsmouth City Council for a vote
 - B. *Any position that opens up because of retirement or the person is leaving the city employment and will be filled with a new employee must come to the Portsmouth City Council for review
2. Growth Management Ordinances – RSA 674:22

D. COUNCILOR HUDA

1. *Request the City Manager to provide a Status Update on the Mold Remediation in the Police Areas (i.e. Current Timeline and Expected Completion Dates)

2. *Request the City Manager to ask appropriate staff to prepare a dollar estimate for the Critical Upgrades needed in the City Hall Facility (i.e. Electrical & Plumbing Upgrades, and Mold Remediation, including a Timeline for Completion)
 - The Goal is to have this Estimate available for Discussion for the February 18, 2020 Public Hearing on the Capital Improvement Plan (CIP)
3. *Request that City Manager Facilitate the Publishing of the “Proposed Annual Budget FY2020 Excel Spreadsheets” including the FY2019 Actual Amounts as soon as possible
 - This is in an effort to promote increased financial transparency and assist the Council with decision making related to the upcoming FY2021 Budget Review Sessions)

XII. APPROVAL OF GRANTS/DONATIONS

(There are no Approval of Grants/Donations this evening)

XIII. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager’s Items Which Require Action:

1. Expenditure of Funds from African Burying Ground Trust
2. *Middle Street Bicycle Lanes – Public Meeting and Request for Work Session
3. Construction Easement – 135 Congress Street

XIV. CONSENT AGENDA

- A. Letter from Richard Mason, Seacoast Veterans Count, requesting permission to hold the 8th annual “Salute our Soldiers” Gala event on Saturday, May 2, 2020 at 4:00 p.m. ***(Anticipated action – move to refer to the City Manager with authority to act)***
- B. Letter from Thomas Haslam, St. John’s Lodge, requesting permission to hold the annual 5K Road Race on Saturday, April 11, 2020 at 8:00 a.m. ***(Anticipated action – move to refer to the City Manager with authority to act)***
- C. Request for a Water Service Access Easement ***(Anticipated action – move to grant authority for the City Manager to accept the Easement Deed in a form similar to those provided in the City Manager memorandum dated January 29, 2020)***

XV. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence ***(Sample motion – move to accept and place on file)***
- B. Letter from Karen Johnson regarding altering the off-leash dog park statutes ***(Sample motion – move to accept and place on file)***
- C. Letter from Karen Johnson regarding loose dog at Strawberry Banke ***(Sample motion – move to accept and place on file)***

XVI. CITY MANAGER'S INFORMATIONAL ITEMS

1. *Report Back Re: 24-Hour Warming Centers
2. *Bike Share Program

XVII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XVIII. ADJOURNMENT [at 10:00 p.m. or earlier]

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

** Indicates verbal report*

SPECIAL CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: WEDNESDAY, JANUARY 8, 2020

PORTSMOUTH, NH
TIME: 7:00PM [or thereafter]

At 6:00 p.m., an Anticipated Non-Public Session was held regarding Threat of Litigation Pursuant to RSA 91-A:3 II (e).

I. CALL TO ORDER

Mayor Becksted called the meeting to order at 7:23 p.m.

II. ROLL CALL

Present: Mayor Becksted, Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Huda, Tabor and Trace

Councilor Kennedy moved to adjourn the Non-Public Session. Seconded by Councilor Trace. On a unanimous roll call 9-0, motion passed.

III. Approve City Council Rules and Orders

Councilor Kennedy moved to accept the Revised Rules and Orders of the Portsmouth City Council as presented with further amendments to Rule 7 – Order of Business Item XI. to remove “single item” and replace it with “items.” Rule 30 – Ordinance Procedure to remove “Staff” to “Administration” and “must” to “may.” Rule 7 – Order of Business Item VIII Public Dialogue Summary to remain. Rule 2 – Special Meetings add at end of first paragraph “the party calling for the special meeting shall make every effort to schedule the meeting at a date no fewer than 7 days from the date the official notice is published to the City website if at all possible.” **Seconded by Assistant Mayor Splaine.**

Councilor Kennedy said Public Comment Session will be done at every City Council meeting. She stated Public Dialogue Session will take place at every other meeting of the month. She said residents will have the ability during work sessions to make public comment. Councilor Kennedy stated presentations by staff will be made during the first reading of an ordinance to allow for the public to provide more input at public hearings.

Councilor Lazenby questioned whether the Council could instruct staff. City Attorney Sullivan said for the Council to instruct staff would be in violation of the City Charter. He stated the City Manager would advise that a presentation will be made by staff.

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

Ratify City Council Policies

Assistant Mayor Splaine moved to approve the Policies, as submitted. Seconded by Councilor Kennedy.

Councilor Kennedy stated that there are some changes that need to be made, but not this evening. She indicated she would be sitting down with the City Clerk and City Attorney to discuss the recommended changes.

Motion passed.

Ethics Committee Drawing by Lot

City Clerk Barnaby asked City Manager Conard to draw a name from the basket. Councilor Tabor was selected by lot to serve on the Ethics Committee.

IV. MCINTYRE PROJECT – Presentations:

City Attorney Sullivan announced that a Non-Public Session was held at 6:00 p.m. to discuss the threat of litigation regarding RSA 91-A:3 II (e). He stated the City Council had the option to seal the minutes but chose not to. He stated the City Council did vote to make the letter received from Attorney Falby of DLA Piper LLP public and he has copies available for the public and press. He continued to state that the minutes of the Non-Public Session will show all members of the City Council, City Manager Conard, Deputy City Manager Colbert Puff, City Attorney Sullivan and Attorney Stokul were present. City Attorney Sullivan reported that the letter from Attorney Falby stated he represented the developer under the Agreement, which sets forth the terms under which the City will acquire the property and the Developer will develop the McIntyre property. He further went on to say that the Agreement is binding both as a matter of law and by its terms and would follow that contract through completion. He further stated if any action is taken, litigation would be initiated by Attorney Falby. City Attorney Sullivan stated that the threat of litigation was discussed and a broad general discussion took place with no action taken other than releasing the letter.

Councilor Lazenby moved to table items IV – VIII for a later date to provide further input on this matter. Seconded by Assistant Mayor Splaine.

Councilor Lazenby said the project is important and no one wants to delay it. He said he appreciates that Mayor Becksted wanted to have a meeting quickly. He stated there is a lot that is moving very quickly and we need our legal team to review this matter and take it up later this month. Councilor Lazenby said not all Councilors were able to have input on the content. He indicated that most of the public heard about this meeting 2 to 4 days ago and he feels there needs to be more time for the public to be made aware of matters.

Assistant Mayor Splaine stated he will be opposing the motion, but congratulated Mayor Becksted for calling this meeting. He said that this is not creating a problem and the Council needs to listen, with discussion continuing beyond this evening.

Councilor Kennedy said it is right to get everything out on the table.

Mayor Becksted passed the gavel to Assistant Mayor Splaine.

Mayor Becksted said it is necessary to listen. He said the Council needs to listen to the residents to and allow the public to be heard. He stated he had the right to hold a meeting within 24 hours.

Assistant Mayor Splaine returned the gavel to Mayor Becksted.

Councilor Lazenby said he agrees with hearing from the public this evening as we need to hear all viewpoints.

On a roll call vote 2-7, motion failed to pass. Councilor Lazenby and Tabor voted in favor. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Huda, Trace and Mayor Becksted voted opposed.

- **Historic Preservation: Senator Martha Fuller Clark**

Senator Martha Fuller Clark spoke on her experiences on historic preservation. She spoke to the character of the downtown and said it is equal and important. She stated that very few cities have such historic buildings and homes in their downtowns. She said we are thriving because of the historic district. Senator Clark said the building mass and scale will destroy our downtown. She spoke to the large massive buildings being constructed around Maplewood Avenue. She stated any new construction must be compatible and this proposal is not compatible with the surroundings. Senator Clark said it should be clear the new buildings will alter the downtown. She stated that we need lower story buildings that will enhance the downtown. She asked all the City Council to review the Redgate/Kane proposal, as it does not seem to be the best outcome for the City. Senator Clark said the Redgate/Kane proposal should be withdrawn to develop a new proposal and bring the post office back to the downtown.

- **Finances: Michael Simchik, Developer**

Mr. Simchik said none of his comments should be taken despairingly and he is not a disgruntled developer. He wanted to see the building to be used for its maximum benefits. He said due diligence has not been followed for this process. He stated the previous two City Councils could not make good decisions because of the former City Manager and why only one option was reviewed. He addressed the financial aspects of the project. He stated the City would not receive anything until after the project return. Mr. Simchik spoke to the developer having a distribution deficient clause. He said there is a short fall of \$2.7 million in the first year. He stated the \$2.7 million short fall are less rates that are unattainable and said the City will never receive income. He said the calculations should be provided refinancing proceeds and sales proceeds that the City will share in the refinance and are fully at the discretion of the developer. He indicated if the developer does not refinance there is no funds coming to the City. He said that this project is a massive give away and what are the net results. He reported that the City gets \$100,000.00 per year, taxes, no distributed income, no refinance share, all you have is an over developed site. He said you will have a canyon effect and the City should stop the project. He suggested giving Mr. Binnie's proposal a chance and solicit other proposals. He recommended giving the project 6 months. He stated put the City Hall back in the downtown and let the Police Department expand into the current City Hall. He also stated would there be a better spot for senior and affordable housing, here at this current site. He asked if the City looked into these things. Mr. Simchik said the City Council needs to fix the process and the project.

- **Legal: Attorney Paul McEachern, Past Assistant Mayor, City of Portsmouth**

Attorney McEachern said he comes as a citizen. He stated that the Development Agreement defines the relationship for the City and Redgate/Kane. He indicated that Redgate/Kane is able to walk away from the agreement. He said the terms established grounds for each party to walk away. Attorney McEachern referred to Section 2.1.6., page 6 of the Development Agreement and Agreement to Lease reads as follows:

2.1.6. National Park Service Application: *Developer shall cooperate with the City in preparing the National Park Service “Application to Obtain Real Property for Historical Monument Purposes.” It is expected that such Application will be submitted to the National Park Service on or about July 2019, but no later than September 30, 2019 (the period ending on such later date, as it may be extended by mutual agreement of the parties, is hereby referred to as the “application Period. Subject to further refinement as provided in the Agreement and comments received from the National Park Service, it is expected that the Application will be generally consistent with the City’s August 22, 2017 RFP and the Developer’s November 6, 2017 Response thereto. The parties also expect to submit the proposed form of Ground Lease as part of the Application. The Ground Lease must be approved by the National Park Service. The Application shall, at a minimum, include a detailed description of the Project, and a “Program of Preservation and Utilization” which includes a preservation plan, a use plan and a financial plan all as required under the Federal Historic Surplus Property Program. If the Application is initially rejected by the Park Service for technical reasons or correctible issues then the City agrees that it will work with the Developer to submit a corrected application. If the parties, after good faith negotiations, fail to reach agreement on a mutually acceptable form of Application during the Application Period then either party may terminate this agreement in which event the Deposit (and all interest earned thereon) shall be promptly returned to the Developer and neither party shall have any further rights or obligations hereunder except those expressly stated to survive.*

If the City submits the Application, the Developer shall automatically and immediately become fully responsible for all requirements, obligations, duties, and commitments related to the Application and the acceptance and approval of the Application including, without limitation, all “constructive possession” responsibilities (if any) described in the general terms and conditions of the Application even if constructive possession were to occur prior to satisfaction of the conditions precedent to Developer’s obligation to consummate the Closing and to execute the Ground Lease (the “Closing Contingencies”). The parties shall work cooperatively to ensure that neither possession nor constructive possession of the Property occurs until satisfaction of the Closing Contingencies and the execution of the Ground Lease. In the event that the General Services Administration (GSA) send a notice requesting or demanding that the City take possession of the Property within fifteen (15) days before all Closing Contingencies have been fully satisfied, then the City will accept the deed to the Property and the City and the Developer will execute the Ground Lease with an Addendum to be negotiated reasonably by the City and the Developer, which Addendum will cover the interim period between executive of the Ground Lease and the date on which all Closing Contingencies have been satisfied. During that interim period: (i) the Developer will be responsible for all obligations owed to the National Park Service pursuant to the Application or the Deed and for securing, maintaining and insuring the Property, (ii) subject to the terms of the Ground Lease, the Developer will be allowed to enter leases, including without limitation, any space in the existing building on the Property in compliance with any required environmental remediation and/or asbestos removal, and to operate or lease the

parking areas on the Property, all in accordance with all applicable laws, regulations, and building and health and life safety codes, (iii) except as may be required by the National Park Service, no improvements to the Property shall be made other than improvements to the existing building and other appropriate repairs and maintenance, environmental remediation and/or asbestos remove, and (iv) the Developer will be required to pay real estate taxes on the Property, but not base rent. Once all Closing Contingencies have been satisfied, the Addendum will terminate and the Ground Lease will commence within a 75 year term, etc. If the interim period lasts for more than 12 months then (i) Developer shall provide an accounting of operating expenses, taxes, insurance expenses, debt service payments, other expenses and income and (ii) twenty five percent (25%) of Developer's actual income in excess of such expenses incurred (but in no event more than \$49,650 annually) will be paid by Developer to the City.

Attorney McEachern stated the definition of application defines the period of when the Ground Lease should be approved by the City Council and the form of Ground Lease has never been reviewed or approved by the City Council or was in review or approved with the 573 page Application to the National Park Service. He spoke to the interoffice memorandum from Deputy City Manager Colbert Puff to City Manager Bohenko. He said one exhibit to the application is a draft Ground Lease and its partner Redgate/Kane the document should be considered draft. He spoke to the City Council packet of December 2019 had a form of the Ground Lease but it was never voted on by the City Council. He stated the Development Agreement states that the developer recognized agreement application is subject to review and approval by the City Council. He further stated the ground lease of December 3, 2019 does not prohibit a hotel to be approved. Attorney McEachern said under the documents the lease control of the Development Agreement to prohibit a hotel was never put into the lease. He said the Development Agreement goes away after the Ground Lease is approved. He said if parties are unable to reach agreement over the Ground Lease then either party can terminate the agreement and money is returned to the developer. Attorney McEachern spoke to the interference clause of the City Charter Section 5.5 – which states:

Neither the City Council nor any of its member's shall direct or request the appointment or removal of any person to office or employment by the City Manager or any of the administrative officers. Neither the Council nor any member shall give orders to any of the administrative officers, either publicly or privately. This section shall not be construed; however, to prohibit the City Council or Council members from conducting inquiries of the City Attorney or the principal financial officer of the City as to legal or financial matters, respectively, involving the City.

Attorney McEachern read the first paragraph of Section 2.2.2. – Development Approval and Permits:

This Agreement is contingent upon Developer, at its sole cost and expense, obtaining any and all required Development Permits and Approvals from applicable governmental agencies (including without limitation the full building permit necessary for construction of the Project), upon such terms and conditions as are satisfactory to Developer in its reasonable discretion, for the Project. A preliminary list of anticipated permits and approvals is attached hereto as Exhibit D.

Attorney McEachern went on to say that the Development Agreement violates the Charter.

Mayor Becksted thanked Senator Clark, Mr. Simchik and Attorney McEachern for their presentations, which were to be used as a listening tool.

Councilor Lazenby spoke on the matter of a hotel not being allowed in the former Ground Lease. He said it was being pursued and for presentation in the form of the Ground Lease and has not been given back to the City.

City Attorney Sullivan said that is correct.

V. Public Comment McIntyre Project

Mayor Becksted said residents will speak first followed by those individuals from outside the City.

Josh Denton, Portsmouth resident, spoke to the transparent process held over the last two years regarding the McIntyre. He said Mr. Simchik chose not to go through the process.

Trevor Bartlett, Portsmouth resident, said after many public hearing and forums he can't believe we are opening this matter up. He said the City's time and money can be better spent moving forward rather than vetting an issue that has been voted on.

Bernard Mulligan, Portsmouth resident would like to see the post office separated out from the McIntyre project. He said there should be two leases, one for the McIntyre and one for the post office. He said we need to get the post office back in place.

Lee Roberts, Portsmouth resident, said we care about this project and we listened to three wonderful presentations this evening. She expressed concerns regarding the project and said she learned more about the finances this evening than she had from the beginning of the process. She stated she is in favor of having an opportunity for the public to have more input on what will go into the federal building.

Byron Matto, Portsmouth resident, said we need to project our vision for the downtown. He stated that the McIntyre project should include workforce and affordable housing because we need to increase supply. He spoke to Redgate/Kane adding 80 unit's downtown with the McIntyre project, and the point is, we need more and demand better.

Ted Jankowski, Portsmouth resident, said the funding for this projected started at an \$11 million dollar fund from Congressman Sununu. He stated the post office was required by the bill to remain. He stated in 2016 the City went in a different direction. He urged the City Council to hire outside legal counsel to look into the bill.

Patricia Bagley, Portsmouth resident, thanked the presenters for the information on this very complex process. She stated that this has been a divisive process and would like to see the City move forward. She said that the residents are relying on the City Council to make this right.

Mark Brighton, Portsmouth resident, said Deputy City Manager Colbert Puff should no longer have anything to do with the project.

Dick Bagley, Portsmouth resident, endorsed the comments of his wife and said this is an important piece of property in our downtown. He stated we need to move collectively forward with a process and come up with something that serves the City best.

Gerald Duffy, Portsmouth resident, said the McIntyre project created division in the City. He said the City needs to find a way forward and heal the mistakes. He said the residents will hold the City Council to high standards. He indicated it was not right to have all three presentations from the opponents. He said we may need to withdraw from this process and revisit the entire project. Mr. Duffy said maybe all previous proposals need to go and a new proposal come forward.

Stephen Barndollar, Portsmouth resident, said he heard how important the McIntyre project was during the election process. He said revisit was the word and to bring back the post office. He said the threat of legal action against us should not stop us. He urged the City Council to vote on the issue and not the Ground Lease. He likes the idea of rezoning the property to Municipal use and trying to move quickly and bring the post office back.

Clare Kittredge, Portsmouth resident, said we need to keep the downtown charming and pretty. She stated we have river views being blocked by the proposed development and we are losing our water views due to the mass of buildings. She said the heart of the downtown is being taken away. Ms. Kittredge said this is our last chance to get things right.

Duncan MacCallum, Portsmouth resident thanked the presenters and said he is resentful of comments made that Mr. Simchik is a developer that does not care. He said Mr. Simchik was never trying to advance his own self interests.

Patrick Ellis, Portsmouth resident, said he hopes to listen to every person in the City and their reviews regarding Redgate/Kane which are not the views of everyone. He said this is an opportunity to make the downtown a place for citizens to go and enjoy outdoor plazas. He said that this has been a public process at no cost to the taxpayers. He further stated that Mr. Simchik chose not to submit a proposal and Mr. Binnie's proposal feels like a parking garage.

Brad Lown, Portsmouth resident, said the City Council signed a binding contract and negotiated in good faith. He said if you break the contract you will be sued, it will cost the City many dollars, and it will cause a delay of the project. He said the alternative is to sit down with Redgate/Kane and tell them what you don't like about the plan.

Bill Downy, Portsmouth resident, said the process followed by the City and staff was horrible. He spoke to the mass density of the project and said we need to get this right. He suggested laying out all the options and moving forward.

Ralph Cox, Redgate/Kane Partner, said he would like the City Council to view some of the projects they have done. He stated he was proud to win the RFP and submitted the project. He said the process was a public process and very thorough. He indicated he will live up to all obligations and would like to continue dialogue and the process.

Attorney Bruce Falby, Boston, MA, representing Redgate/Kane. He said he sent a letter rebuttal to the remarks from Attorney McEachern. He stated the City is bound by the Development Agreement and by the vote the basic terms of the ground lease were approved. He said the City had a complete draft of the Ground Lease and the Development Agreement the City voted to bind itself in good faith and to take all legal actions to continue the project. Attorney Falby said if the City does not honor the contract you will be sued and it is not a threat. He said we would not want to expend our time, however the City will regret not following the contract.

Zelita Morgan said the election was not all about the McIntyre project but the City has lacked framework for public/private partnership and process is not made available. She asked where the public benefits are coming from.

At 9:35 p.m., Mayor Becksted called for a brief recess. At 9:45 p.m., Mayor Becksted called the meeting back to order.

Councilor McEachern moved that the City Council continue in light of the fact that there has been an enormous amount of discussion in the previous 24-48 hours in terms of information. All comments received this evening, all of the thought gone into this, feedback from a legal perspective on all sides that we take a moment and continue to work in good faith, but bring in our own perspective to the answers to the questions we received to be able to negotiate before any return of those responses would go back to the National Park Service Application at a later day. Seconded by Councilor Kennedy.

Councilor McEachern said an enormous amount of information has come forward today and does not know if any interests are served to change the process this evening, while respecting the will of the people.

Councilor Kennedy said what you are asking is to not forward the answers to the National Park Service, to have the current City Council review and discuss the answers with the City Attorney and to have a vote later and to forward the answers at a later date.

Councilor McEachern said we should have a conversation on the application and called out the financial questionnaire.

Councilor Lazenby said he would like to have a Work Session prior to the January 21, 2020 City Council meeting.

Councilor McEachern said he would like to have a Work Session prior to January 21, 2020 in order to be prepared.

City Attorney Sullivan said you can have the Work Session at the call of Mayor Becksted.

Councilor Huda said she wants the City Council to have no further communications with the National Park Service before the Council has held a discussion.

Mayor Becksted passed the gavel to Assistant Mayor Splaine.

Mayor Becksted said the responses are of concern and we are in a holding pattern. He said he would give the new City Council time to review the responses and clarify those without the threat of litigation.

Assistant Mayor Splaine returned the gavel to Mayor Becksted.

Councilor Whelan said there was a Ground Lease submitted that the City Council was not aware of. He learned two hours ago that there is a new Ground Lease dated December 7, 2019. He stated that the City Council needs to act in good faith and represent the people and have that lease included in the Work Session.

Councilor Lazenby said the Ground Lease should be part of the Work Session and he would like that to be on the City's website. He agrees with Mayor Becksted that the Council deserves some time to get through this. He said the Council should not have the matter come back for the January 21st meeting to consider a Work Session and provide us with the time this deserves.

Councilor Kennedy said in way is there a time to send the answers to the National Park Service. She said we need to make a decision on what will happen with the budget. She stated we need some answers for the public and we may pull the project back. Councilor Kennedy said we have some big ticket items in the budget with the threat of a law suit and the need for an appraisal.

Councilor Trace said the Ground Lease is a form of the Ground Lease and does not become a Ground Lease until it is signed. She stated the City Council needs to receive a copy of the December 7, 2019 form of the Ground Lease before we meet in a Work Session. She said we need time to review and be fully aware of both sides of the picture to benefit the residents of the City. She asked the City Manager to provide a copy of the Ground Lease.

Assistant Mayor Splaine said he agrees with Councilor Trace's remarks and Councilor Kennedy's that we need to deal with this without haste but deal with it correctly. He said Mayor Becksted needs to set up a Work Session before January 21, 2020 and the Council needs to find ways to make things work in a win win scenario. He said if representatives of Redgate/Kane wants to continue the process and dialogue we need to continue the dialogue. He stated we need to find a win win and do the right thing moving it ahead.

Councilor McEachern said to be able to resolved the conflict of the City Charter and the Development Agreement would we not have staff speak on the development and have an opinion that the Development Agreement is not against the City.

Councilor Lazenby said the Council has substantial important work for the Work Session. He said the City staff will need time to prepare for the session and for the public to be aware of issues. He said it is not slowing anything down, we need to give people time.

Councilor Tabor said he sees this as a longer process and asked how do we develop and process how we work with staff, we need to be careful.

Councilor Lazenby moved to amend the motion and schedule a Work Session at the discretion of Mayor Becksted. Seconded by Assistant Mayor Splaine.

Assistant Mayor Splaine said the motion allows for Mayor Becksted to set a meeting or Work Session or Special meeting.

Mayor Becksted said he can set the meeting and make it a special meeting.

Councilor Lazenby said he would discourage having a special meeting because the schedule has been made and put out to the public. He said he feels having a Special City Council meeting after the Work Session is not what he feels to be transparent.

Councilor McEachern withdrew his motion and Councilor Kennedy withdrew her second to the motion.

Motion passed.

Assistant Mayor Splaine moved to postpone Items VII. – Ask City Manager to arrange for Public Presentations from National Park Service and General Services Administration on all possibilities for acquisition of The Thomas J. McIntyre Federal Building and VIII. – Establish Transparent Process addressing the acquisition and development of The Thomas. J. McIntyre Federal Building that would provide greatest benefit to the citizens of the City of Portsmouth until after the Work Session. Seconded by Councilor Kennedy and voted.

The City Council agreed to review the answers to the National Park Services Application and not forward those answers to the National Park Service. Further the City Council will review and discuss those answers with a vote at a later date of when to forward the answers. The City Council agreed there will be no further communications sent to the National Park Service until after a Work Session is held on this matter. Further, the City Council agreed to have the Ground Lease of December 7, 2019, forwarded to the City Council for discussion during the Work Session to be held at the call of Mayor Becksted.

Councilor Kennedy said Portsmouth Listens will have a public dialogue on the McIntyre project. She also announced that she will have a discussion at Café Vonsolln at 2:00 p.m. Saturday regarding ideas for better public input on the McIntyre project.

Councilor McEachern said he heard many comments this evening, some were positive and some less positive. He wants people to understand we can disagree but it does not mean we need to be disagreeable. He spoke regarding a comment directed at a member of the staff that is working here on her Birthday and is working in the capacity of moving forward. He has seen nothing but effort from the staff and that we all work together.

At 10:20 p.m., Councilor Kennedy moved to adjourn. Seconded by Assistant Mayor Splaine and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, February 3, 2020 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Pursuant to RSA 72:39-b the City hereby amends the elderly exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$43,151.00 for a single taxpayers or \$59,332.00 for married taxpayers, inclusive of social security payments. The elderly exemption shall remain unchanged except as amended hereby. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, February 3, 2020 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Pursuant to RSA 72:39-b the City hereby amends the elderly exemption from property tax, based on assessed value for qualified taxpayers, such that the exemption shall be available only when the qualifying taxpayer(s) have a net income of not more than \$43,151.00 for a single taxpayers or \$59,332.00 for married taxpayers, inclusive of social security payments. The elderly exemption shall remain unchanged except as amended hereby. 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/CNHMC
CITY CLERK

**THE CITY OF PORTSMOUTH
TWO THOUSAND TWENTY
PORTSMOUTH, NEW HAMPSHIRE**

ELDERLY EXEMPTION

RESOLUTION # - 2020

BE IT RESOLVED:

Pursuant to RSA 72:39-b the City hereby amends the elderly exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$43,151 for a single taxpayer or \$59,332 for married taxpayers, inclusive of social security payments. The elderly exemption shall remain unchanged except as amended hereby.

THAT this Resolution shall take effect upon its passage.

APPROVED:

**_____
RICK BECKSTED, MAYOR**

**ADOPTED BY THE CITY COUNCIL:
, 2020**

**_____
KELLI L. BARNABY, MMC/CNHMC
CITY CLERK**

NOTE: This exemption becomes effective for the tax year April 1, 2020.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, February 3, 2020 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Pursuant to RSA 72:37-b the City hereby amends the disabled exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$43,151.00 for a single taxpayers or \$59,332.00 for married taxpayers, inclusive of social security. The disabled exemption shall remain unchanged except as amended hereby. 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, CNHMC
City Clerk

LEGAL NOTICE
NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, February 3, 2020 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Pursuant to RSA 72:37-b the City hereby amends the disabled exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$43,151.00 for a single taxpayer or \$59,332.00 for married taxpayers, inclusive of social security. The disabled exemption shall remain unchanged except as amended hereby. 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/CNHMC
CITY CLERK

**THE CITY OF PORTSMOUTH
TWO THOUSAND TWENTY
PORTSMOUTH, NEW HAMPSHIRE**

DISABLED EXEMPTION

RESOLUTION # - 2020

BE IT RESOLVED:

Pursuant to RSA 72:37-b, City hereby amends the disabled exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$43,151 for a single taxpayer or \$59,332 for married taxpayers, inclusive of social security. The disabled exemption shall remain unchanged except as amended hereby.

THAT this Resolution shall take effect upon its passage.

APPROVED:

RICK BECKSTED, MAYOR

**ADOPTED BY THE CITY COUNCIL:
, 2020**

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

NOTE: This exemption becomes effective for the tax year April 1, 2020.

Wednesday, January 29, 2020

To: Portsmouth City Council Members
From: Jim Splaine

I have asked the following item to be placed on the City Council agenda for our Monday, February 3rd meeting:

Report, Re: Testimony On House Bill 1060, "Allowing Municipalities To Collect An Occupancy Fee From Operators Of Local Room Rentals," and Senate Bill 616, "Establishing A Committee To Study The Meals And Rooms Tax Distribution Formula."

On behalf of the Mayor and City Council, I testified to the House Municipal and County Government Committee on Wednesday, January 22nd at a 10:00 AM public hearing, and to the Senate Ways & Means Committee on Wednesday, January 29th, at a 9:00 AM public hearing.

With this memo is the testimony, with copies of the bills, that the good Mayor Rick Becksted prepared, assisted by Assistant City Attorney Jane Ferrini.

From my experience on both issues in years past, and in considering how the 2-hours of testimony from others was received, it is my suggestion that the bill concerning occupancy fees (HB 1060) will need a concerted and unified effort to succeed. Like last year, it may pass the House in some form, but have difficulty in the Senate. Many interests are opposed to even a \$2.00 fee, and their lobbyists spoke and were otherwise represented.

The study committee of the Meals & Rooms Tax distribution formula (SB 616) could be more acceptable this term, and if a committee is created, we would want to support it with staff expertise from ours and similar-minded municipalities. Unfortunately, the problem in passing such legislation faces the challenge of having enough other cities and towns agree with us, and many of them currently benefit from the status quo formula. Legislators of both Chambers also annually face the challenge of balancing the state budget, and it is difficult to get the state to share more such revenue.

Through my years of being in the N.H. House and Senate, I have seen many attempts get additional revenue sharing for communities, and it is growing to be continually difficult. But we must try. I know the City Council Legislative Committee has discussed teaming up with other communities statewide to form coalitions to work toward such bills. When I was on the Committee for the four years from 2014 to 2017, we had numerous such discussions. Now may be the time to do it, while we have the attention of Concord.

HB 1160-LOCAL - AS INTRODUCED

2020 SESSION

20-2198
05/06

HOUSE BILL ***1160-LOCAL***

AN ACT allowing municipalities to collect an occupancy fee from operators of local room rentals.

SPONSORS: Rep. Edgar, Rock. 21; Rep. Loughman, Rock. 21; Rep. Cushing, Rock. 21; Rep. Maggiore, Rock. 22; Rep. Cleaver, Hills. 35; Rep. Bushway, Rock. 21; Rep. Almy, Graf. 13; Rep. Somssich, Rock. 27; Rep. Cloutier, Sull. 10; Rep. Pantelakos, Rock. 25; Sen. Watters, Dist 4; Sen. Sherman, Dist 24; Sen. Fuller Clark, Dist 21

COMMITTEE: Municipal and County Government

ANALYSIS

This bill enables a municipality to collect an occupancy fee from room rentals for the purpose of establishing a municipal capital fund, revolving fund, or tourism support fund.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~(in brackets and strikethrough.)~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
20-2198
05/06

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT allowing municipalities to collect an occupancy fee from operators of local room rentals.

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

1 New Subdivision; Municipal Occupancy Fee. Amend RSA 353 by inserting after section 10 the following new subdivision:

Municipal Occupancy Fee

353:11 Municipal Occupancy Fee.

I. The legislative body of a municipality may vote to collect a municipal fee on each occupancy, as defined in RSA 78-A:3, VI, for the purpose of establishing a municipal capital improvement or tourism support fund, which is intended to increase or stabilize local hotel and other room rental occupancy.

II. As authorized by the legislative body vote, the fee may be collected as a daily charge of up to \$2 per occupancy per day charged, or as a percentage of the price of the occupancy, provided that the rate shall not exceed \$2 per occupancy per day charged. If the average daily price of the occupancy does not exceed \$40, the occupancy fee shall not be collected. The vote by the legislative body shall specify the number of

consecutive days to which the occupancy fee applies, provided that the maximum number of consecutive days for which the fee may be collected for each occupancy shall not exceed 184. Enforcement powers for nonpayment shall be the same as those provided under RSA 31:39-c, RSA 31:39-d, and RSA 47:17-b, relative to enforcement of ordinances.

III. The revenues collected shall be deposited in a capital reserve fund, tourism support fund, revolving fund, or other special revenue fund, as authorized by the municipality. Such funds shall be used to augment funding for the cost of municipal services associated with the increase in tourism and transient traffic.

IV. Any funds received shall not be deemed part of the general fund accumulated surplus, nor shall any surplus be expended for any purpose or transferred to any appropriation until such time as the town select board or legislative body of the city shall have voted to appropriate a specific amount from the fund for a specific purpose.

V. Any town or city may adopt the provisions of this section in the following manner:

(a) In a town, the question shall be placed on the warrant of a special or annual town meeting under the procedures set out in RSA 39:3, and shall be voted on by ballot. In a city, the legislative body shall vote on the question as provided in its charter.

(b) The selectmen or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The town or city shall specify in the wording of the question:

(1) The name of the fund and permitted uses of the fund; and

(2) The nature, amount, and manner of collection of the occupancy fee, including the number of consecutive days to which the occupancy fee shall apply.

(d) If a majority of those voting on the question vote "Yes," the municipal occupancy fee shall apply within the town or city on the date set by the selectmen or the city council.

(e) A town or city may consider rescinding its action in the manner described in subparagraphs (a)-(c).

The wording of the question shall be the same as that was adopted by the town or city, except the word "adopt" shall be changed to "rescind." If a majority of those voting on the question vote "Yes," following the action taken to rescind, the municipal occupancy fee shall not apply within the town or city, and any moneys already in the fund shall be used for the purposes already voted.

2 Effective Date. This act shall take effect upon its passage.



CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
mayorbecksted@gmail.com
(603) 610-7200

Rick Becksted
Mayor **January 22, 2020**

**Chairman Carson
House Municipal and County Government Committee
107 North Main Street
Concord, NH 03301**

Re: City of Portsmouth's Written Testimony in support of HB 1160

**Chairman Carson and Members of the House Municipal and County Government
Committee:**

The City of Portsmouth derives benefits from being a destination location and invests considerable resources annually to welcome and support visitors. The City consistently works to provide a safe and attractive city for visitors, residents, workers and commuters who support not only Portsmouth businesses but our local and State economy. Hospitality-related businesses in Portsmouth and the Seacoast contribute significantly to the State's Meals and Rooms Tax Revenues—far beyond what is returned to the City as its proportional distribution is based on population.

HB 1160, enabling legislation that would permit municipalities to collect an occupancy fee from operators of room rentals, would be a way for communities to receive funds to help defer the cost of tourism and decrease the overreliance on the local property tax. As a Mayor and Assistant Mayor, and as taxpayers and business owners, we have witnessed directly the increased demands on municipal services that the tourist population creates and how that demand burdens the local taxpayer. If passed, HB 1160 would permit municipalities to receive funds that would be deposited in a capital reserve fund, revolving fund or tourism support fund. Each city or town could use these funds to address their particular needs as no two communities are alike.

The City of Portsmouth has a population of approximately 21,898 people. The Economic and Labor Market Information Bureau of NH Employment Security reports for the first quarter of 2019 there 33,000 people working in the City. The Chamber Collaborative of Greater Portsmouth calculates that in 2019 approximately 4 million tourists visited the City. This is due in part to 221 events listed on the 2019 events calendar, 308 food establishments with approximately 35,120 total seats and 2,165 hotel rooms. Visitors to these festivals, restaurants

and hotels create an increased need for police, fire, ambulance and public work services.

Because of the daily influx of visitors and workers, the City's population swells well beyond its 21,898 residents every day. This increase in population is not accounted for in any meals and rooms revenue distribution calculation. An increase in population means an increase in demands on our police, fire and public works department. For example, our fire department's response to a single family residence require significantly less personnel and different equipment than responding to a high occupancy multi story hotel. In 2019, there were 186 combined fire and EMS responses to our 18 hotels alone. In addition to the number of calls and demands on personnel due to these calls, due to the increase in high occupancy hotel construction projects over 3 stories in the City, the Fire Chief is requesting a replacement of our current 75' ladder truck with a 95' platform (tower) to better and more safely respond to potential fires in these buildings.

These cost are not absorbed by the property taxes assessed against the hotels. The burden for the additional police, fire and public works required to serve our City's real population (residents plus workers plus visitors) is now absorbed by the taxpayer. For example, a Portsmouth native in his 90's has lived for many decades in an approximate 1025 square foot home that has not had any remodeling or additions. If you compare his 2016 property taxes to 2019, there has been a 28% increase in his property taxes. In the same four years, his water bill has increased 4% and his sewer bill has increased 12%. Senior citizens should be able to stay in their homes and HB 1160 is one way to help municipalities receive funds to help lessen the burden on local taxpayers.

Cities and towns need alternative sources of revenue other than the overburdened property tax. This is particularly true given the steady decrease in Meals and Rooms Tax net revenue distributed to New Hampshire communities. Funds collected under HB 1160 would lessen the impact of the State's failure to consistently apply the catch up formula to increase the distribution of the Meals and Rooms Tax net revenue because although the statute prescribed a 40% distribution, the City received an approximately 20% distribution in 2019. This failure to receive the statutorily prescribed distribution, coupled with the downshifting of costs previously paid by the State and the County to local communities has increased the burden on the property tax paid by the local taxpayer. HB 1160 would be a way communities could raise funds to offset downshifting costs, support tourism and relieve the burden on the local taxpayer.

The Portsmouth City Council has adopted Legislative Principles, whereby the City will support legislation that supports revenue streams to aid municipalities, specifically those that name Portsmouth or will directly support Portsmouth and

further supports directing revenues to the purposes for which they are raised.
Overall, HB 1160 supports the City's Legislative Principles.

We believe HB 1160 will help municipalities defer the costs borne by the local communities that fuel New Hampshire's tourism economy and for the reasons described above, we would ask the House Municipal and County Government Committee to vote HB 1160 Ought to Pass.

Sincerely,



**Rick Becksted, Mayor of the City of Portsmouth
On behalf of the Portsmouth City Council**



**Jim Splaine, Assistant Mayor of the City of Portsmouth
On behalf of the Portsmouth City Council**

**cc: Legislative Subcommittee
Karen Conard, City Manager
Portsmouth Legislative Delegates**

Enclosure Addendum

Addendum

- **Tourism supports local and state economy by generation of meals and rooms tax and local jobs**
- **Tourism comes with a cost.**
 - A. Meals and Rooms Revenue Distribution to City:**
 - 1. Meals and Rooms tax generated by City is significant but distribution of revenue is disproportional because based on residential population (21,898) and does not account for daily influx of workers (33,000) and tourist (est. 4 million a year)**
 - 2. State consistently not keeping up with catch up formula and City received 20% of net revenue distribution in 2019 and anticipates 19% distribution in 2020.**
 - B. Tourism creates increased demands on municipal services, including police, fire, infrastructure and public works (2019 221 events, 308 food service establishments with 35,120 seats and approximately 2,165 hotel rooms).**
 - 1. Real estate taxes on local hotels not sufficient to cover increase demands on fire, police and public works.**
 - 2. Burden on local tax payers:**
 - Example senior citizen has lived in 1025 square foot home with no renovations for many decades**
 - Compare 2016 real estate taxes to 2019 28% increase**
 - Same time period water bill increase 4% sewer 12%**
 - 3. Fire Department response and equipment needs change to meet demand from multi story hotels:**
 - 186 responses to 18 hotels in 2019**
 - More staff required to respond to hotel call than single family**
 - Request to replace 75' ladder truck with a 95' platform (tower)**
- **HB 1160 would be a way communities could raise funds to offset downshifting costs from state, support tourism to generate meals and rooms tax and relieve the burden on the local taxpayer.**

SB 616 - AS INTRODUCED

2020 SESSION

20-2849
10/06

SENATE BILL

616

AN ACT

establishing a committee to study the meals and rooms tax distribution formula.

SPONSORS:

Sen. Sherman, Dist 24; Sen. Fuller Clark, Dist 21; Sen. Kahn, Dist 10; Rep. Calipitts, Rock. 30; Rep. Bushway, Rock. 21; Rep. Cushing, Rock. 21; Rep. Edgar, Rock. 21; Rep. Loughman, Rock. 21

COMMITTEE:

Ways and Means

ANALYSIS

This bill establishes a committee to study the meals and rooms tax distribution formula.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~].

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT establishing a committee to study the meals and rooms tax distribution formula.

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

1 1 Committee Established. There is established a committee to study the meals and rooms tax
2 distribution formula.

3 2 Membership and Compensation.

4 I. The members of the committee shall be as follows:

5 (a) Two members of the senate, one of whom shall represent the seacoast and one of
6 whom shall serve on the ways and means committee, appointed by the president of the senate.

7 (b) Three members of the house of representatives, one of whom shall represent a tourist
8 destination and one of whom shall serve on the ways and means committee, appointed by the
9 speaker of the house of representatives.

10 II. Members of the committee shall receive mileage at the legislative rate when attending to
11 the duties of the committee.

12 3 Duties. The committee shall study the formula for the disposition of revenues collected under
13 the meals and rooms tax pursuant to RSA 78-A:26 and discern whether or not that formula remains
14 fair and appropriate both in the collection from and distribution to New Hampshire's communities
15 and the state.

16 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
17 among the members. The first meeting of the committee shall be called by the first-named senate
18 member. The first meeting of the committee shall be held within 45 days of the effective date of this
19 section. Three members of the committee shall constitute a quorum.

20 5 Report. The committee shall report its findings and any recommendations for proposed
21 legislation to the president of the senate, the speaker of the house of representatives, the senate
22 clerk, the house clerk, the governor, and the state library on or before November 1, 2020.

23 6 Effective Date. This act shall take effect upon its passage.



CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
mayorbecksted@gmail.com
(603) 610-7200

Rick Becksted

Mayor

January 29, 2020

Chairman Feltes
Senate Ways and Means Committee
107 North Main Street
Concord, NH 03301

Re: City of Portsmouth's Written Testimony in support of SB 616

Chairman Feltes and Members of the Senate Ways and Means Committee:

The City of Portsmouth derives benefits from being a destination location and invests considerable resources annually to welcome and support visitors. The City consistently works to provide a safe and attractive city for visitors, residents, workers and commuters who support not only Portsmouth businesses but our local and State economy. Hospitality-related businesses in Portsmouth and the Seacoast contribute significantly to the State's Meals and Rooms Tax Revenues—far beyond what is returned to the City as its proportional distribution is based on population.

SB 616 would establish a committee to study meals and room tax revenue distribution to municipalities. The committee would examine the existing meals and rooms tax revenue distribution formula and hopefully address a way for those communities that support tourism to receive funds to help defer the costs of tourism and decrease the overreliance on the local property tax. As a Mayor and Assistant Mayor, and as taxpayers and business owners, we have witnessed directly the increased demands on municipal services that the tourist population creates and how those demands burdens the local taxpayer. If passed, the committee established by SB 616 would hopefully recommend reinstating the catch up formula and look at other ways to revise the distribution formula to help those communities that support tourism receive a more equitable distribution.

The City of Portsmouth has a population of approximately 21,898 people. The Economic and Labor Market Information Bureau of NH Employment Security reports for the first quarter of 2019 there 33,000 people working in the City. The Chamber Collaborative of Greater Portsmouth calculates that in 2019 approximately 4 million tourists visited the City. This is due in part to 221 events listed on the 2019 events calendar, 308 food establishments with approximately 35,120 total seats and 2,165 hotel rooms. Visitors to these festivals, restaurants

and hotels create an increased need for police, fire, ambulance and public work services.

Because of the daily influx of visitors and workers, the City's population swells well beyond its 21,898 residents every day. This increase in population is not accounted for in any meals and rooms revenue distribution calculation. If passed, the committee established in SB 616 could look at a way to adjust the formula to distribute the meals and rooms tax revenue based on actual daily populations, not just residents. It is those increased visitors and workers that create an increase in demands on our police, fire and public works department. For example, our fire department's response to a single family residence require significantly less personnel and different equipment than responding to a high occupancy multi story hotel. In 2019, there were 186 combined fire and EMS responses to our 18 hotels alone. In addition to the number of calls and demands on personnel due to these calls, due to the increase in high occupancy hotel construction projects over 3 stories in the City, the Fire Chief is requesting a replacement of our current 75' ladder truck with a 95' platform (tower) to better and more safely respond to potential fires in these buildings.

These cost are not absorbed by the property taxes assessed against the hotels. The burden for the additional police, fire and public works required to serve our City's real population (residents plus workers plus visitors) is only absorbed by the resident taxpayer. For example, a Portsmouth native in his 90's has lived for many decades in an approximate 1025 square foot home that has not had any remodeling or additions. If you compare his 2016 property taxes to 2019, there has been a 28% increase in his property taxes. In the same four years, his water bill has increased 4% and his sewer bill has increased 12%. Senior citizens should be able to stay in their homes and the committee established by SB 616 would be able to make recommendations to revise the current distribution formula to better help municipalities receive a fair distribution in order to lessen the burden on local taxpayers.

Over the last several years there has been a steady decrease in Meals and Rooms Tax net revenue distributed to New Hampshire communities. The committee established under SB 616 would examine the catch up formula and hopefully recommend an increase in the distribution of the Meals and Rooms Tax net revenue to restore the distribution to the statutorily prescribed 40%. The Cities and towns received an approximately 20% distribution in 2019 and that distribution will be 19% in 2020. Of the total amount distributed to all the cities and towns in New Hampshire, it is anticipated that in 2020 Portsmouth will receive 1.6% of the total distribution. See attached chart. This failure to receive the statutorily prescribed distribution, coupled with the downshifting of costs previously paid by the State and the County to local communities has increased the burden on the property tax paid by the local taxpayer. The committee established under SB 616 could review the current distribution formula with an

eye towards helping those communities that support tourism to offset downshifting costs, support tourism and relieve the burden on the local taxpayer.

The Portsmouth City Council has adopted Legislative Principles, whereby the City will support legislation that supports revenue streams to aid municipalities, specifically those that name Portsmouth or will directly support Portsmouth and further supports directing revenues to the purposes for which they are raised. Overall, SB 616 supports the City's Legislative Principles.

We believe the committee established by SB 616 will make recommendations on the distribution formula that will help defer the costs borne by the local communities that fuel New Hampshire's tourism economy and for the reasons described above, we would ask the Senate Ways and Means Committee to vote SB 616 Ought to Pass.

Sincerely,



Rick Becksted, Mayor of the City of Portsmouth
On behalf of the Portsmouth City Council



Jim Splaine, Assistant Mayor of the City of Portsmouth
On behalf of the Portsmouth City Council

cc: Legislative Subcommittee
Karen Conard, City Manager
Portsmouth Legislative Delegates

Enclosure

Talking Points

- Tourism supports local and state economy by generation of meals and rooms tax and local jobs.
- Tourism comes with a cost.

A. Meals and Rooms Revenue Distribution to City:

1. Meals and Rooms tax generated by City is significant but distribution of revenue is disproportional because it is based on residential population (21,898) and does not account for daily influx of workers (33,000) and tourist (est. 4 million a year). See attached chart.
2. State consistently not keeping up with catch up formula and Cities and Towns received 20% of net revenue distribution in 2019 and anticipate 19% distribution in 2020, notwithstanding statute prescribing 40% distribution to Cities and Towns.
3. Of total distribution to Cities and Towns, Portsmouth receives 1.6%.

B. Tourism creates increased demands on municipal services, including police, fire, infrastructure and public works (2019 221 events, 308 food service establishments with 35,120 seats and approximately 2,165 hotel rooms).

1. Real estate taxes on local hotels not sufficient to cover increase demands on fire, police and public works.
2. Burden on local tax payers:

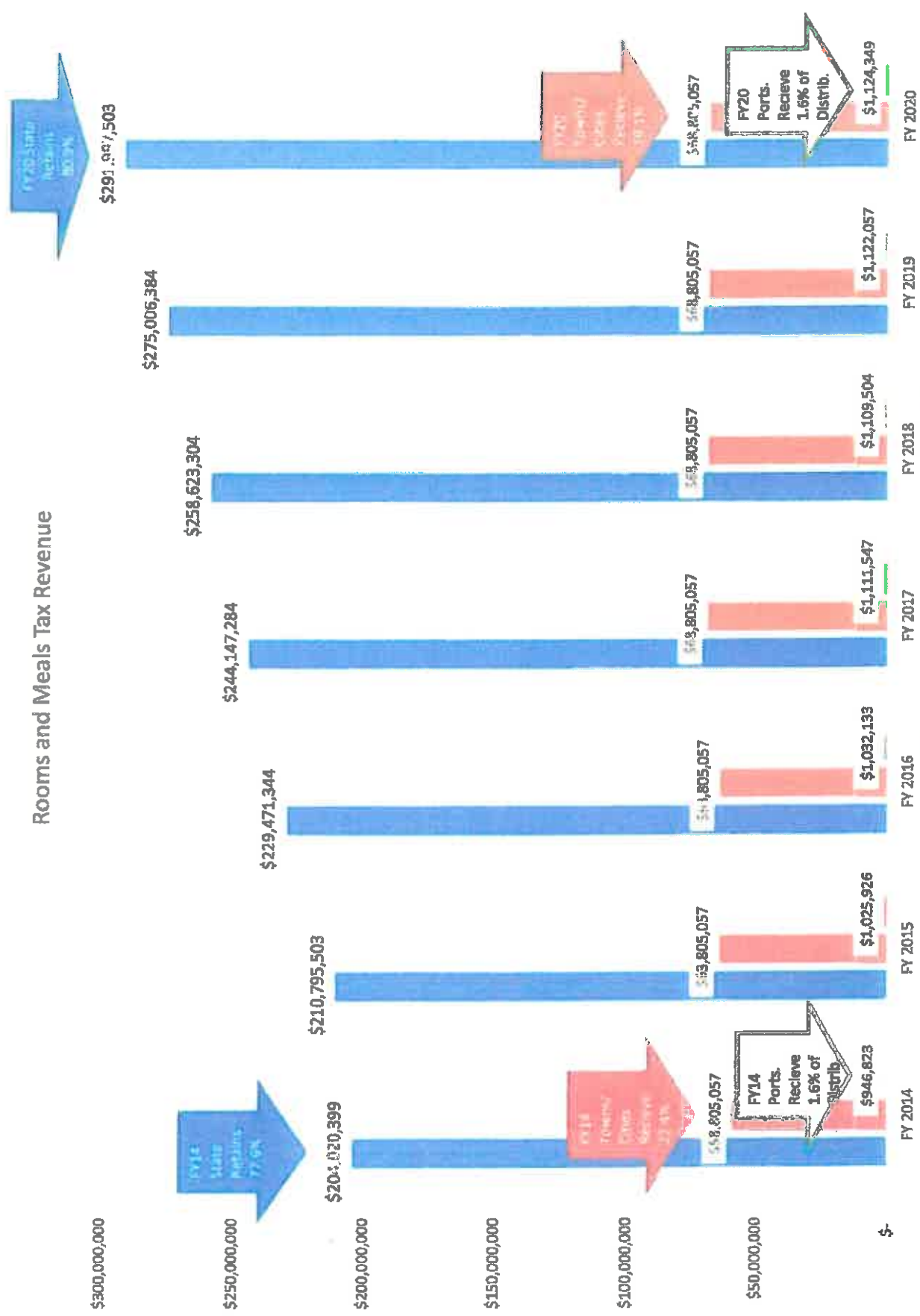
Example senior citizen has lived in 1025 square foot home with no renovations for many decades
Compare 2016 real estate taxes to 2019 28% increase
Same time period water bill increase 4% sewer 12%

3. Fire Department response and equipment needs change to meet demand from multi story hotels:

186 responses to 18 hotels in 2019
More staff required to respond to hotel call than single family
Request to replace 75' ladder truck with a 95' platform (tower)

- Committee to study the distribution of meals and rooms tax should address a fair way that communities that support tourism could receive statutorily prescribed amount and reexamine formula to help offset burden on the local taxpayer.

Rooms and Meals Tax Revenue



■ State's Retained Portion
■ All Communities Total Distribution
■ City of Portsmouth's Share

Wednesday, January 29, 2020

To: Portsmouth City Council Members
From: Jim Splaine

I have asked the following item to be placed on the City Council agenda for our Monday, February 3rd meeting:

Report, Re: "Neighborhood Walk." And "2050 Vision: North Mill Pond."

I did a Neighborhood Walk on the cold but sunny afternoon of Sunday, January 12th along Dennett Street and some of the abutting neighborhood. There had been about 6 inches of snow the night before and the morning of, but neighbors I spoke with were pleased with the snow removal.

As I usually do, I learned of a couple of problems, which I will follow-up on with the City Manager. I also learned of the matter of a dilapidated house that is of concern to some neighbors. I also was invited into the home and back yard of a fascinating neighbor who I had never before met who showed me the incredible view of the Portsmouth skyline from that side of the North Mill Pond, and flooding he experiences.

Among topics I discussed was the success of a "2020 North Mill Pond" visioning project that I and others did in 1996, which brought together dozens of neighbors from that area to consider their future. I distributed copies of a four-page summary of some of those discussions, which I include with this memo. I think it is interesting to see how some of the topics and ideas discussed during those visioning sessions helped bring attention to action-steps and neighborhood improvements which have since been taken.

I asked neighbors if they felt there would be value to having a "2050 North Mill Pond" visioning process, and to a person there was excited interest. I will be taking more Neighborhood Walks on both sides of the North Mill Pond in coming months, and look forward to continuing that idea, perhaps for the Fall of this year. In 1996, ours was a citizen-led effort and I would anticipate it being the same, with perhaps some city government participation. I welcome your thoughts, and the involvement of all. It can be fun, and productive.

Back in the 1990s I worked with others undertaking similar visioning in other parts of our community, and perhaps we can do more of that. As I wrote in the introductory flyer that I prepared at that time, it's

"Probably The Closest We'll Ever Come To Time Travel!"

2020: North Mill Pond

What Can Portsmouth's North Mill Pond Be Like In The Year 2020?

**You're
Invited!**

- Thursday, April 11, 1996 -

- New Franklin School -

7:00 PM [sharp!] - 9:30 PM [guaranteed!]

- The Public Is Invited - Please Come! - Free Coffee -

**You're
Invited!**

The 2020 Vision Project began in Portsmouth in 1991. The idea is to take a snapshot of how Portsmouth in the Year 2020 **could** look like, and discuss how to get there from here.

In 1996 The 2020 Vision Project Workshop Series will explore some of the possibilities for the North Mill Pond, which is a greatly abused and unappreciated asset in our Downtown Area. Some wonderful neighborhoods are near the Pond, but it has suffered from years of neglect. The potential, however, is great - - limited only by our imagination.

Everyone has some idea of what the future of the Pond should be. The 2020 Vision Project workshop is a way to help in a creative, positive way to bring together varied ideas to better define that future and to give us the steps (and a timeline) to reach it. **In this forum you won't just be sitting there with hands-folded listening to speakers - - you will be invited to get involved in visioning the future of the North Mill Pond - - for now, and for Year 2020.**

EACH OF US IS A POTENTIAL VISIONARY. The 2020 Vision Project Workshop visioning process gets us to consider options and choices. The most important part of the evening will be the time allotted which will include a general discussion and dialogue by all those attending. Some great ideas from you for the future - - and for the present - - may result!

**- The 2020 Vision Project -
Probably The Closest We'll Ever Come To Time Travel!**

Some 2020 North Mill Pond Possibilities

- It can be a recreational area with picnic tables and playground equipment!
- It might be an area where people can sail and swim!
- It could be rimmed by a bike trail or a walking trail!
- It might become frontage for shops and small businesses!
- It could be surrounded by an office park!
- It can be a park, with a walkway, picnic tables, swimming area, tied in with the North Cemetery.
- **Or, if we do nothing it might stay the same, only look and smell even worse as time goes by.**
- It can become anything that you want it to be!

The 2020 Vision Workshop Agenda - Portsmouth's North Mill Pond Area

- 7:00 PM - Program Begins. Get Your Coffee!
- 7:00 PM - 7:15 PM: Welcomes & Introductions. Visioning Defined.
- 7:15 PM - 7:45 PM: Painting The Picture Of North Mill Pond [And North Cemetery] In Year 2020.
- 7:45 PM - 8:30 PM: Visioning The North Mill Pond In Year 2020! [A Consensus.]
- 8:30 PM - 9:15 PM: Creating the Timeline To Get To Where We Want To Get From Here.
- 9:15 PM - 9:30 PM: Wrapup, Assignments, & Followup!

COME AND PARTICIPATE IN VISIONING YOUR FUTURE!

For More Information Call Jim Splaine, 431-1051 or Raymond Will, 431-8102

North Mill Pond future presented in Portsmouth

PORTSMOUTH - Bicycle and running paths circle the North Mill Pond. The water is once again clean and flowing freely. The ecological view around the pond is enhanced.

These are some of the visions about 30 residents living near the North Mill Pond came up with Thursday while defining how they want the area to look by the year 2020.

Led by Jim Splaine, residents of that section of town brainstormed on ideas that would make the area ideally what they want. The residents involved will be the ones who find out how feasible it is that the city carry out these ideas.

"We thought it was a good idea to bring citizens together," Splaine said. "Portsmouth is different because it has open-minded city councilors."

Splaine, a former city councilor and now a Democratic state representative from Portsmouth, began these workshops in 1991. They are a forum so residents can comment on the bettering of the community. The meetings are run by residents and not sponsored by the city.

As city planners develop ways to improve areas of the city, Splaine wants to ensure that residents have their say in how their neighborhoods will look.

The group met Thursday night at New Franklin School to narrow down specifically what its members wants to see at the North Mill Pond.

Residents agreed they want a public recreation area and possibly a gravel pathway for biking and running. They will look into the possibility of dredging the pond and what impact that would have on it.

They will try to ensure that businesses in the area are forced to abide by zoning regulations. To separate the businesses from homes, they will look into planting foliage as a buffer.

Splaine said that as much of the research as possible should be done before the plans are presented to the city. City officials have been looking into the refurbishing of certain areas and have received federal and state funding to execute the projects.

Another meeting will take place in a few months to find out what specific answers residents found about the projects they want done.

North Mill Pond could become an asset to city

Study should go forward, recommendations followed

Moving ahead quickly with plans to spruce up the North Mill Pond area is simply one of the best ideas we've heard in a long time.

City Councilor Alex Hanson has asked that a feasibility study for the area be completed by the end of the year. After the study is complete, city officials will know what their options are in terms of creating a public recreation area.

At that point, the city can seek outside monies — either in the form of loans or, hopefully, grants — to build a bike or pedestrian path. Or, perhaps, something even more elaborate.

We have been used to looking at the North Mill Pond as kind of rundown, drab and dirty. But it doesn't have to be. This area, if renovated in the proper manner, could become another beautiful spot in the city of Portsmouth. It would also do something to lower crime in that area of the city.

How nice it would be to drive by and see lights illuminating a busy walkway filled with bikers and walkers and joggers. A place where the brackish water is cleaned up, and where city residents could take a walk on a nice summer's night and lounge on a bench listening to the sounds of the city.

The man behind this grand scheme is former Portsmouth City Councilor Jim Splaine. Splaine is that rare breed of public servant: someone who understands the link between what we do today and how it will affect us in the future.

There's a simple word for that — vision.

Four years ago Splaine wrote, "Imagine

how Portsmouth of 1991 would look if in 1962 better approaches were planned and carried out."

He lists some successes of that time, such as Strawberry Banke, and the downtown preservation movement which prevented the Vaughan Street Urban Renewal Project from spreading throughout the entire business district.

But clearheaded urban planning is all too rare these days. What Splaine wrote in 1991, still holds true to day:

"Too many of our natural features — like the North and South Mill Ponds, and other resources like the Dennett Street residential area and the downtown — are either being ignored or not improved."

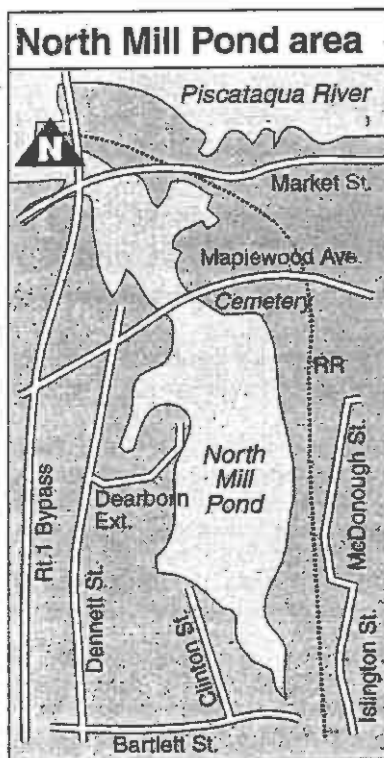
Splaine, who has advocated numerous projects culminating in what he calls "the Renaissance of Portsmouth," brought the matter up again at the end of his latest term in city government.

"Much can be done to improve this tremendously valuable asset in the center of downtown and adjacent to major neighborhoods. In fact, if such a pond was in the center of any major community it would not be ignored or abandoned as we have left ours," Splaine wrote the council last October.

"To continue to ignore this major Portsmouth asset would be a shame."

These statements are both true, and very wise.

He's right. We urge the City Council and City Manager Jim McSweeney to vigorously move ahead with the feasibility study, and to turn the North Mill Pond area into the latest example of why Portsmouth remains — and will continue to be — one of the nicest places to live in this country.



Herald Graphic / Elaine Kuketz

Ports. forum to look into year 2020

Foster's Daily Democrat, Dover, N.H.
Tuesday Evening, May 21, 1991

PORTSMOUTH — It's difficult to get where you're going if you don't have a clear view of what's ahead. That's the idea behind the Portsmouth 20-20 Vision Forum Wednesday night at Yoken's Conference Center.

A wide range of speakers will look ahead to Portsmouth in the year 2020 and give their ideas on housing, the environment, education, the economy, arts and other issues affecting people.

Portsmouth Assistant Mayor Jim Splaine, who conceived what he hopes will be an annual event, said creative, progressive planning begins with forward thinking and expression.

Among the evening's program will be comments from four city leaders acting as "visionaries." They include City Manager Ken Mahony, Mayor Eileen Foley, former mayor Robert Shaines, and resident William Bronson.

School Superintendent Timothy Monahan, School Board Chairman Frank Slover, and incoming superintendent Nate Greenberg will discuss what Portsmouth schools will be like in 2020, and six Portsmouth High School students will present essays about Portsmouth in that year.

In addition, an area planner is scheduled to present a graphic vision of Portsmouth.

Special awards will be given to John Hart and Charles Vaughn for their leadership in the community.

At the end of the evening, a time capsule will be prepared, and radio newscasts and newspaper stories from 2020 will be presented.

The evening includes dinner at 5:30, and the program begins at 7 p.m. Tickets are \$15 for dinner. The program is free.

For more information contact Jim Splaine at (603) 431-1051.

Welcome to Portsmouth 2020

By DOUG PILAROSKI
Portsmouth Bureau Chief

PORTSMOUTH — A highly gentrified city serving as a transportation hub for high-speed aircraft. A tropical resort resulting from global warming. Regional schools. Or no schools at all — just home video learning.

Those were some of the visions of Portsmouth in the year 2020 as suggested by visionaries at Wednesday evening's Portsmouth 20-20 Vision Forum at Yoken's conference center, drawing about 100 people.

The event, organized by Assistant Mayor Jim Splaine, was intended to encourage planning for the future.

City Manager Ken Mahony highlighted the evening with predictions of the city 30 years from now.

Mahony predicted the Portsmouth Naval Shipyard will close about the year 2005, but that a joint Pease Air Force Base and Loring (Maine) Air Force Base authority will be established to handle high-speed aircraft.

A single type of tax will exist — one that taxes landowners based on the value of land at its highest and best use. School vouchers, electric transportation and more wetlands also will exist.

"There will be a great deal of gentrification in Portsmouth because of its quality of life," said Mahony. He said the city will experience an increase in the median age and income of its residents.

More than two dozen speakers filled the agenda for the evening, featuring experts in fields ranging from housing and senior programs to economics, schools and the arts.

Portsmouth High School students read essays about their vision of the future, and performed a short skit in which several students returned to the city in the year 2020.

They discovered a monorail system, a busy Portsmouth International Airport, a brain surgery wing at Portsmouth hospital, and, to their dismay, more crime and pollution.

School Board Chairman Frank Slover predicted regional schools in each of the larger communities, with specialized curriculums.

Student Paula Littlefield envisioned home video monitors replacing classrooms 30 years from now. Slover agreed in part with her vision, saying home video monitors would at least play

☆ **Portsmouth 2020**
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a role.

Mayor Eileen Foley said she didn't see a lot of changes in store for Portsmouth in the year 2020 because the city was pretty much how she remembers it 30 years ago.

However, Mrs. Foley did predict that computers would play an in-

creasing role, and envisioned fire-side chats with a lady president.

Organizers of the event plan to buy a time capsule later this summer containing a videotape of the evening and other special items.

Foster's Daily Democrat, Dover, N.H.
Thursday Evening, May 23, 1991

I will be putting forward a Policy/Procedure to state the following:

Any contract with a value of \$10,000.00 or more will come in front of the Portsmouth City Council for a vote.

As a reference point for \$10,000.00 I'm using the state figure used by our Governor and Council.

If there are questions about this figure I have included my data reference point.

The Governor and Council, together, have the authority and responsibility over the administration of the affairs of the state as defined in the New Hampshire Constitution, the New Hampshire Revised Statutes Annotated, and the advisory opinions of the New Hampshire Supreme Court and the New Hampshire Attorney General. The General Court has also designated specific powers to the governor and council in RSA Chapter 4. Other powers of the council derive from the NH Constitution:

The governor and council approve the spending of a significant portion of the state's budget.

The governor and council serve as the watchdogs of the state treasury to ensure state departments and agencies do not spend more than they were allowed to, or use the money for unauthorized purposes. (Part II. Art. 56)

The governor and council approves state departments and agencies' receipt and expenditures of funds and gifts, budgetary transfers within a department, and all contracts with a value of \$10,000 or more.

Reference point RSA Chapter 4

If People have questions feel free to let me know before I bring this document forward.

Thank you.

How to Planning Guide Series

Prepared by Strafford Regional
Planning Commission

Cynthia Copeland, AICP, Executive
Director
Gerald Myroie, AICP, Senior Land
Use Planner

How To...

Manage Community Growth

*"We can grow in ways that
fit our traditional patterns of
settlements, and that enhance
already sprawled areas."*

*"Good local land use laws can
set the stage for great and
sustainable development."*

Community Rules:
A NE Guide to Smart
Growth Strategies, 2002, p8.

Introduction

As a Planning Board Member you may be asked: What are you doing to control growth and sprawling development? What is smart growth? How can we plan growth to achieve sustainable development that balances community well-being, economic vitality, and environmental protection needs?

More people are asking these questions because of their importance to the quality of our living and working environments. People want Planning Boards to address traffic jams, open lands sold and subdivided, inadequate public facilities and services, and rising costs (i.e. taxes) to pay for public services.

The answer to these questions is the fundamental purpose of community planning. The art and science of planning has evolved from initial layouts aimed at arranging buildings and streets. The focus then was on architectural design and physical appearance. Today, the focus is as broad as the multiple issues that confront community decision-makers: population changes, economic development, social equity, housing development, transportation, education, health, and environment.

The community planning process consists of identifying issues, projecting needs, setting goals, developing options, making and implementing decisions. This process is comprehensive in scope, coordinated with other issues, and value added/results oriented. It recognizes growth and change are inevitable and aims to accommodate them with minimal, unintended consequences. Called by another name, it is growth management.

Integrate Growth Management with Master Planning Activities

So to answer the questions, Planning Boards need to link growth management with traditional Master Planning. This Guide describes the elements of a growth management program and places it in the context of traditional planning activities, such as land use planning, zoning, and capital improvement programming. It will provide Planning Board members with ways to address growth management, and with policies and implementation strategies they can adopt and implement (e.g. growth permit process, development impact fees, transfer development rights).

Use of the Guide will increase understanding of planning concepts and their interrelationships, provide knowledge needed to implement planning techniques, meet local public demand to address this critical issue, and result in better policies to achieve sustainable development.

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Aerial photo shows growth pattern resulting from mill development on the Lamprey River in Newmarket, NH

“The problems of growth are not to be solved by limiting the scope, program or location of development. They must be resolved by rethinking the nature and quality of growth itself, in every context. People argue heatedly about growth: where, how much, what type, what density and if it is really necessary at all.”

“Any region with a high growth demand has several options. [The region] can try to limit overall growth; let the surrounding communities grow uncontrollably until they become a continuous mass; attempt to accommodate growth in redevelopment and infill locations, or plan new ... growth areas within reasonable transit proximity of the city center. Every region needs to find an appropriate mix of these very different options.”
The New Urbanism, 1994, p.xiii



Use Site Analysis to show current development as a first step in managing growth.

Growth Management in New Hampshire

The concept of growth management evolves from state planning law. New Hampshire law, RSA 9-A:1:III (a), states: “the [state] comprehensive development plan shall include: state policies to provide for the orderly growth and development of the state and to maximize smart growth.”

Further New Hampshire law, RSA 9-A:1:IV, states: “local planning boards are encouraged to develop plans which are consistent with the policies and priorities established in the [state] comprehensive development plan.”

In addition, New Hampshire law, RSA 9-B:3, states: “smart growth means the control of haphazard and unplanned development and the use of land, which results over time, in the inflation of the amount of land used per unit of human development, and of the degree of dispersal between such land areas. “

And finally, New Hampshire law, RSA 674:22, states: “The local legislative body may ... regulate and control the timing of development. Any ordinance imposing such a control may be adopted only after preparation and adoption by the planning board of a master plan and a capital improvement program and shall be based upon a growth management process intended to assess and balance community development needs and consider regional development needs.”

Growth Management in Communities

Within this context, many communities in NH are beginning to include growth management policies in their Master Plan. Managing growth (the development of land to accommodate population increases and related public facility and service needs) is the fundamental purpose of community planning. An effective community planning program is an effective growth management program. Is there any substantial difference between planning and growth management?

No! The purpose of growth management, as the RSAs state, is to regulate and control the timing of development to balance growth with competing needs both within the community and its region.

Similarly, the application of smart growth and sustainable development principles at the community level is intended to balance competing economic, fiscal, environmental, and social needs within a geographic location.

Growth Management Issues

To manage growth a Planning Board needs planning policies and implementation strategies that address the amount, type, location, appearance, costs, timing, and financing of growth.

Amount The amount involves understanding demographics and projecting population and characteristics of people living and moving into the community. Planning and managing the amount of growth is important because the demand drives the need for the number, type, and cost of housing; the number and type of supporting land uses (e.g. commercial, grocery, and related support service stores); and public facility and service needs (e.g. streets, parks, police, schools, fire protection, water and sewage treatment).

Type The type involves identifying what kind of growth will be accommodated. Typically this is residential housing development, but may include other forms of growth for commercial, recreational, industrial, government, or other land uses.

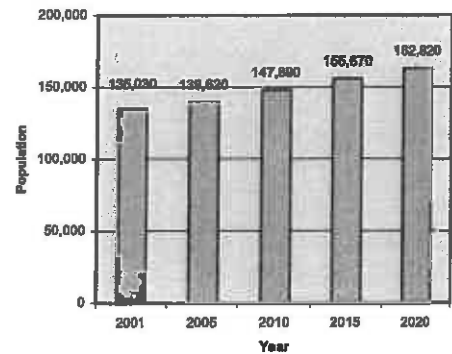
Location The location involves identifying where several types of land uses will be located to accommodate the projected growth. This includes residential neighborhood areas whether in a town center, suburban, or rural locale; various commercial areas in a town center, neighborhood service, or regional service locale; industrial areas; recreation areas, and public facilities and services. This information should be in the Master Plan Land Use element.

Appearance The appearance involves what the development will look like. The appearance includes the site or subdivision design, as well as the physical appearance or architecture of the development.

Costs Growth costs money, but it also produces benefits. Planning smartly means knowing the costs as well as the benefits. Costs include construction and ongoing operation and maintenance of public facilities and services. They also include negative, sometimes unquantifiable, consequences, e.g., loss of open lands or views.

Timing The timing involves establishing when the growth will be accommodated. This is done by writing policies and strategies to stage or phase development over time. It may involve defining growth boundaries or limiting the number of residential building permits issued each year. Or it may mean only permitting development when timed with public and private infrastructure investments.

Financing The financing involves determining who will pay for additional public facilities and services, capital expenditures and operational costs, and how they will be paid for, e.g. bonds, annual budget, or developer payment of impact fees.



Amount: Population Chart for SRPC Region



Location: Types of land uses in proposed New Durham Master Plan



Type of development: Municipal service center in Lee, NH



Type of development: Residential, multi-family, infill development in Dover, NH

“Planners must remind themselves—and their constituencies—to reach beyond the hot topics of the moment to understand, long-range, how to manage community growth and change. And that still requires the tried and tested techniques of growth management and comprehensive planning.”

Doug Porter, *APA Planning*, Viewpoint, November 2003.

For more on Issues, Policies, and Implementation Strategies see: “Achieving Smart Growth in New Hampshire”, NH Office of Energy and Planning, April 2003.



Type of development: Business Park in Farmington, NH

Growth Management Issues, Polices, and Strategies

Growth Management Issues & Location in the Master Plan	Policies & Strategies
<p><u>Amount of Development</u></p> <p>Master Plan Land Use Section Housing Section</p>	<p>Policy: State what level of development is desired, e.g. permit the construction of 250 dwelling units per year.</p> <p>Strategy: State how the policy will be achieved, e.g., adopt a Growth Management Ordinance to set the amount of development permitted per year at 250 dwelling units.</p>
<p><u>Location of Development</u></p> <p>Master Plan Land Use Section</p>	<p>Policy: State where the development is desired, e.g. Town center.</p> <p>Strategy: Amend the Zoning Ordinance to define growth areas and land use districts.</p>
<p><u>Timing of Development</u></p> <p>Master Plan Land Use, Community Facilities, Public Finance Sections</p>	<p>Policy: State timeframe in which development is desired.</p> <p>Strategy: Adopt an ordinance to insure new development only is permitted when adequate facilities are provided.</p>
<p><u>Type of Development</u></p> <p>Master Plan Land Use Section Transportation Section Housing Section Public Facilities Section</p>	<p>Policy: State what type of development is desired, e.g. research park.</p> <p>Strategy: State how the type of development will be achieved, e.g., amend the Zoning Ordinance to permit the desired land uses.</p>
<p><u>Appearance of Development</u></p> <p>Master Plan Vision Section Character and Appearance Section</p>	<p>Policy: State what is the desired community appearance for various types of development</p> <p>Strategy: State how the desired appearance of the community will be achieved, e.g., adopt architectural design guidelines</p>
<p><u>Financing of Development</u></p> <p>Master Plan Public Finance Section Capital Improvement Program</p>	<p>Policy: State the community’s desired fiscal condition, e.g. balanced budget.</p> <p>Strategy: State how the desired fiscal condition will be achieved, e.g. adopt an impact fee ordinance requiring developer payment of costs of growth.</p>

Growth Management and the Master Plan

A local Master Plan describes a community's vision for the future and how it plans to achieve that vision. A Master Plan can address growth management by including these issues in each section of the Master Plan. The Land Use section addresses where; the Housing section addresses type and affordability; the Transportation section addresses how to move the population and goods; the Public Facilities section addresses service and facility needs; and the Capital Improvement Program addresses costs, timing, and financing.

By adding a Population and Growth Management section to your Master Plan, the community could address timing. This section should include policies that address the following questions:

- How much population growth does your community want?
- Where should the population be located?
- How should it be accommodated (i.e., single family, duplex, multi-family housing)?
- Will it be affordable by the target population?
- What will be the appearance or design for the development?
- How much will it cost?
- How will it be timed to balance it with environmental, public facilities and fiscal constraints of the municipality?
- How will the growth be financed?

Policy answers to these questions are linked to other Master Plan sections, such as land use, housing, public facilities, character and appearance, as well as the Capital Improvement Program. A well-developed population and growth management section will define how the community's population growth relates to the regional growth, the community's vision for growth, and the intended way to accommodate the growth. The population and growth management section for a Master Plan might include:

- Policies (i.e. what you want to achieve or commitments to do something—in the form of goals, principles, and standards).
- Implementation Strategies (i.e. how you intend to achieve it).
- Background research and analysis for the policies and implementation strategies (located in the Master Plan Appendix) including:
 - Description of existing population, social and economic demographic characteristics.
 - Population growth projections for the community and region.
 - Current housing stock by type and cost.
 - Current and projected costs.
 - Current and potential sources of revenue for costs.
 - Potential methods to reduce costs or accommodate growth more efficiently.



Appearance: New England style gas station complex in Durham, NH

"For the region [New England] to retain its charms, and for our generation to do its part by leaving New England better than we found it, we must take an active interest in how the land is developed."

"Development, depending on what it is, where it is sited, and how it is designed, can add or detract in various ways. Rarely is it all good or all bad. But what is built, where it is sited, and how it is designed, ends up making a real difference in how New England looks and feels, and how it functions, both economically and environmentally."

Community Rules: A NE Guide to Smart Growth Strategies, 2002, p.2.



Appearance: Conventional design gas station in Any Town, NH



Timing and Amount: Milton, NH on the west bank of the Salmon Falls River

Growth Management Issues During Site Plan or Subdivision Plan Review

When the Planning Board is reviewing site or subdivision plans, consider some growth management issues as well as the basic questions (see *SRPC How To Get the Development You Planned*):

Where is the proposed site development or subdivision located?

What type of land use is proposed? Is it consistent with the Master Plan?

What is the appearance or design of the development? Does it reflect smart growth management principles, e.g. nodal development, controlled access management, clustered residential neighborhood)? Does it reflect the traditional New England architectural character?

What is the timing of the site development or subdivision in relation to needed public facilities and services? Compare the development to the municipality's Six Year Capital Improvement Program. Is there an adopted Capital Improvement Program?

What is the overall impact (i.e., physical, social, environmental and fiscal) of the development? You may require the developer to conduct a growth impact analysis to help assess the impact the growth from the development will have on the area and determine what measures must be taken to minimize the impacts. For a full description of what should be included in a growth impact analysis, see the Strafford Regional Planning Commission's Guide to Growth Impact Analysis. A growth impact analysis may not answer all of your questions, or it may claim there are no impacts. The Planning Board may require a peer review by a professional planner. Payment for the review can be requested from the applicant.

How will the impacts of the site development or subdivision be mitigated, and how will the costs of development be paid? Will the costs be offset by the benefits? Should development impact fees be charged? (Does your community have a Development Impact Fee ordinance?) Is financing or bonding required? (Does your community have a standard Performance Guarantee Agreement to insure the site and any graded open areas are stabilized or infrastructure improvements completed in case the developer has difficulties and the project is terminated?)

Clear answers to these and other questions will provide your community with the best information to make an informed decision and insure you get the development you planned.

*“And you may ask yourself
What is that beautiful house?
And you may ask yourself
Where does that highway go?
And you may ask yourself
Am I right? ... am I wrong?
And you may tell yourself
... what have I done?”*

Talking Heads, “Once in a Lifetime”,
from the *Remain in Light* album, 1980.



Appearance: Commercial use of historic building in Durham, NH

Growth Management & Smart Growth

Some people see smart growth and growth management as the same, and others see them as different. Similarly with community planning, some people say they have been implementing community planning and growth management programs for years. The issue is whether you are reviewing and permitting subdivisions or site plans based on implementing basic community planning. For example, your municipality may be permitting single lot subdivisions without implementing a design principle for creating a traditional, compact residential neighborhood. Or, you could be in the situation of making decisions without knowing which principles to apply to make “smart” planning decisions. It is like playing baseball in a sandlot game versus in a professionally coached, trained, and organized game with strategies, plays, and techniques.

To accomplish “smart” growth management—that is being effective—it is important to have professional community planning guidance and knowledge. Growing “smart” can save millions of dollars in the operating costs of your public facilities and services, as well as add millions of dollars to real property values and appreciation.

Growth Management & Sustainable Development

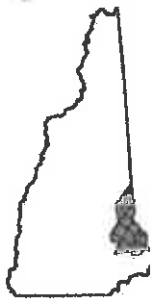
The goal of “smart” growth management is to achieve sustainable development. Sustainable development balances three community goals: economic vitality, community well-being, and environmental resource management. When only one or two of these goals are considered, it usually results in an imbalance in another area. The objective is to understand the whole picture, not just the immediate impacts a project may have on the site. Any land use decision that disrupts this delicate balance can affect the community’s character. Sustainability is a goal that planners and community decision-makers strive for every time a decision is made affecting development. It is about ensuring a better quality of life now, and for generations to come. It is “smart growth planning.”

Again, the Master Plan describes what, where, when, and how smart growth or sustainable development should occur. It may address the need to protect open lands, which leads the Planning Board to make a recommendation to adopt new open space subdivision regulations. Or the Master Plan may state minimum lot sizes or maximum densities for residential development. The community’s land use regulations are driven by the Master Plan policies and standards. The Master Plan empowers the Planning Board to adopt “smart” growth regulations, and makes regulations easier to defend if challenged.

NH Principles for Smart Growth

1. Maintain traditional compact settlement patterns to efficiently use land, resources, and investments in infrastructure;
2. Foster the traditional character of New Hampshire downtowns, villages, and neighborhoods by encouraging a human scale of development that is comfortable for pedestrians and conducive to community life;
3. Incorporate a mix of uses to provide a variety of housing, employment, shopping, services, and social opportunities for all members of the community;
4. Provide choices and safety in transportation to create livable, walkable communities that increase accessibility for people of all ages, whether on foot, bicycle, or in motor vehicles;
5. Preserve New Hampshire’s working landscape by sustaining farms, forests, and rural resource lands to maintain contiguous tracts of open land and to minimize land use conflicts;
6. Protect environmental quality by minimizing impacts from human activities and planning for and maintaining natural areas that contribute to the health and quality of life of communities and people in New Hampshire;
7. Involve the community in planning and implementation to ensure that development retains and enhances the sense of place, traditions, goals, and values of the local community;
8. Manage growth locally in the New Hampshire tradition, and work with neighboring towns to achieve common goals and address common more effectively.

Source: “Achieving Smart Growth in New Hampshire”, NH Office of Energy & Planning, April 2003



***Strafford
Regional
Planning
Commission***

**Visit our website at
www.straftford.org**

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Addressee

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printing 2000 copies of this guide.*

Growth Management is Master Planning and It Must be Smart!

- Growth management is the fundamental purpose of Master Planning.
- Growth management guides the amount, type, location, appearance, costs, timing, and financing of development and public facilities and services.
- Smart growth includes the use of professional planning advice.
- Planning decision-makers can achieve sustainable development by adopting and implementing Master Plan policies for smart growth management.
- Smart growth implementation strategies include:
 - Land use zoning districts with densities and intensities of uses balanced with a ...
 - ...growth management ordinance to phase in the issuance of residential building permits
 - Adequate public facilities ordinance
 - Capital improvement ordinance
 - Impact fee ordinance

We can achieve sustainable development and improve the quality of life.



City officials express little support for moratorium

By Charles McMahon

Posted May 28, 2013 at 9:46 PM

Updated May 28, 2013 at 9:51 PM

PORTSMOUTH — Participants in a joint work session of the Planning Board and City Council on Tuesday night appeared to show little to no support for a proposal to enact a one-year moratorium on development throughout the city.

PORTSMOUTH — Participants in a joint work session of the Planning Board and City Council on Tuesday night appeared to show little to no support for a proposal to enact a one-year moratorium on development throughout the city.

Roughly 20 people were in attendance for the 90-minute work session held to discuss the moratorium, which was proposed earlier this month by a newly formed civic group called Portsmouth Now!

As proposed, moratorium would halt for one year all commercial and residential development larger than 5,000 square feet.

City Attorney Robert Sullivan began the workshop Tuesday night by explaining the process of implementing a moratorium, and what ramifications the city could face if it were enacted.

“Ownership of private property in the state of New Hampshire and the ability to enjoy the economic benefits of that private property is protected by the law of the state,” he said.

Sullivan told participants that implementing a moratorium would take many steps, beginning with the Planning Board conducting an in-depth study of the development situation in the city and making specific factual findings to support

the rationale that would call for a moratorium.

“Even though the ultimate authority to adopt the moratorium lies with the City Council, it has to be kicked off by the Planning Board,” he said.

If the Planning Board does, in fact, want to initiate some kind of moratorium, Sullivan said it must find some unusual circumstance that affects the city’s ability to provide certain municipal services.

The Planning Board would then have to make some specific findings of fact, and then pass its recommendation along to the council for adoption.

Sullivan said the only way a development project could be exempt from a moratorium is if it already received a building permit or it already had notice of a public hearing before the Planning Board.

Sullivan cautioned, however, that there has never been any ruling at the Supreme Court level on the legality of the state statute involving moratoriums, so there are a lot of questions that have yet to be answered.

Many of the participants in the work session appeared to be adamantly opposed to the idea of a moratorium.

City Councilor Brad Lown, who said he is generally opposed to a moratorium, said it would not only be unfair to taxpayers, but also to landowners.

“I think it’s an invitation to time-consuming litigation,” Lown said.

Councilor Nancy Novelline Clayburgh said she was having a hard time finding any unusual circumstances that could justify the need for a moratorium.

“I’m perplexed about what kind of hardships we can justify,” she said.

Clayburgh asked others at the table about their thoughts, but received no reply.

Planning Board member Colby Gamester said he sees no reason for a moratorium.

“Personally, I don’t see any unusual circumstances that would rise to the level of moratoria,” he said. “I also don’t think personally there is any real problem going on right now. Towns change, cities change.”

Gamester said that, in his opinion, limiting the growth in the city would be detrimental.

“Retarding growth would have a negative impact on the city,” he said.

John Ricci, chairman of the Planning Board, said the idea of a moratorium essentially goes against everything that board has been trying to do over the years.

Ricci said the request was “reactionary” and not warranted. A moratorium, he said, would suggest that the city feels that its growth is out of control.

“I think we’re a model for most cities and towns in America,” Ricci said.

Councilor Esther Kennedy said she believes the reason the moratorium was proposed in the first place was because residents are concerned with how the city is changing.

“There are people out there who are very concerned with the changing of the city’s historical character,” she said.

Kennedy questioned whether there was anything more the city can do to assist its land-use boards with tackling issues related to development.

Kennedy also asked whether there was anything the city could do to slow down the amount of development coming before those boards.

As a member of the Historic District Commission, Kennedy said she and other HDC members are beginning to feel the pressure of a massive amount of projects coming before them for approval.

“We’re not really giving justice to the projects,” she said. “It’s not humanly possible doing what’s requested.”



Proposed moratorium to aid town planners

November 30, 2004 by [NHBR Staff \(https://www.nhbr.com/author/site-staff/\)](https://www.nhbr.com/author/site-staff/)

MILFORD – Getting some breathing space from development so Milford can look at the big picture is the idea behind a proposal to halt big new projects for a year.

“(The Planning Board) has been struggling with this for a year and a half, two years. They just don’t have time to get it done,” said Town Planner Bill Parker.

The board is proposing a one-year moratorium on all but the smallest developments so that officials can update the town’s master plan and prepare a long-term response, perhaps incorporating such things as mandatory phase-in of subdivisions or a yearly cap on building permits.

“A temporary moratorium is a real standard tool in planning, when you’re considering something that changes the playing field,” said Roger Hunt, senior land use planner with the Nashua Regional Planning Commission, who has worked with government planners in four states. It has two purposes, he said: It prevents developments from being thrown together to beat a deadline, and it reduces local officials’ day-to-day workload so they can put together long-term plans.

“It can give time to make sure you don’t make things worse. You don’t want unintended consequences,” Hunt said.

About five towns in the state have such moratoriums in place at the moment, according to the state Office of Energy and Planning.

The moratorium is officially called an Interim Growth Management Regulation, allowed under state law (RSA 674:23).

Like most towns in the region, Milford has been seeing more residential growth than many people here would like. The number of single-family building permits issued over the past four years – 322 – is greater than in any similar period since 1986-1989, a time when many people feel housing development was out of control.

Concern about development is the main reason the town is asking voters to pay \$2.3 million to buy 445 acres off Mile Slip Road in southwest Milford – one of the largest undeveloped parcels of land left in town.

Milford has an extra complication from its large number of apartment complexes and other multi-family housing, which tend to put more strain on local services such as schools and police departments.

In 2003, 44 percent of Milford's units were multi-family, more than any nearby community except Nashua.

In Amherst, by contrast, just 7.2 percent of housing units are multi-housing, while in Mason, the figure is a minuscule 1 percent.

All of this is why Milford would like to develop a permanent growth management ordinance.

“Milford increasingly stands out as a target for unusual residential development . . . because, in contrast to the majority of surrounding communities, it has not yet adopted a growth management policy,” said a draft Planning Board report advocating the moratorium, prepared after a finding-of-fact meeting Nov. 9.

State data shows that 41 communities in the state have some sort of growth management ordinance in place.

As allowed under state law, the moratorium would have to be approved by a majority of voters at Town Meeting. It would require a one-year wait in any developments that have not proceeded to the stage of notifying abutting landowners about Planning Board hearings by later this week.

Minor subdivisions – in which no more than two new lots are created – could still go forward, as could small projects such as lot-line adjustments.

Comments

comments

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LAND USE LAWS

New Hampshire Laws

The laws that govern in New Hampshire are called Revised Statutes Annotated, or RSAs. They are organized into 64 Titles from Title 1, "The State and its Government" to Title 64, "Planning and Zoning." Each Title is divided into Chapters and Sections, which house the specific regulatory provisions. The Statutes are called "annotated" because they include history, case law, and other relevant explanations at the end of each section. RSAs are usually cited by chapter, section number, and specific paragraphs. For example, RSA 672:1, 1 refers to Chapter 672, section 1, paragraph 1: "Planning, zoning and related regulations have been and should continue to be the responsibility of municipal government."



Title 64 ~ Planning & Zoning

NH Land Use Laws consist of the 6 chapters found in Title 64 "Planning and Zoning"

General Provisions: Chapter 672 ~ Establishes the general provisions governing planning, zoning and land use boards and defines key words and phrases such as: Abutter (672:3), Local Legislative Body (672:8), Local Land Use Board (672:7), Local Governing Body(672:6), and Subdivision (672:14)

Local Land Use Boards: Chapter 673 ~ Authorizes creation of local boards: Planning Board (673:2), Zoning Board of Adjustment (673:3), Historic District Commission (673:4), and Heritage Commissions (673:4-a)

Planning & Regulatory Powers: Chapter 674 ~ Sets forth the duties and authority of local land use boards to develop planning documents and regulations such as the Master Plan (674:1-4), Zoning Board of Adjustment (674:33-34), Capital Improvements Program (674:5-8), Subdivision Regulation (674:35-44), Zoning (674:16-23), Site Plan Regulations (674:43-44), Historic District (674:45-50), Governmental Use of Property (674:54)

Enactment and Adoption Procedures: Chapter 675 ~ Defines how local regulations are established

Administrative and Enforcement Procedures: Chapter 676 ~ Deals with land use board operations; the use of building permits; what happens when state and local regulations conflict; and various types of penalties and relief for violations

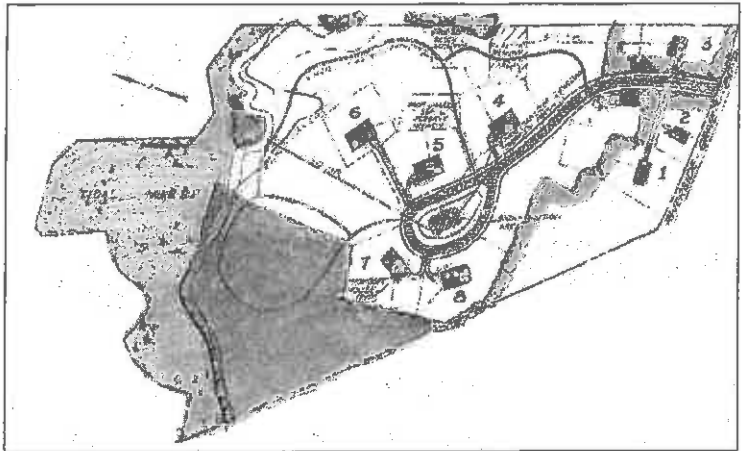
Rehearing and Appeal Procedures: Chapter 677 ~ Addresses the rehearing procedures; appeal and court review of board of adjustment, local legislative body, planning board, building code board of appeals and historic district commission decisions; and the process for a court to deal with invalid ordinances.

Take Note!

NH municipalities do not have "home rule!"

Municipalities have only the authority that is specifically granted to them by the legislature; they cannot exercise authority on their own.

Time limits on design review ~ RSA 676:4, II(b) Allows the Planning Board to establish reasonable rules of procedure relating to the design review process, including submission requirements. In addition, sets forth procedure for Planning Boards to declare the end of the design review process in a public meeting (effective date 8/19/2008).



Master Plan Energy Chapter ~ RSA 674:2, III(n) Adds an energy section as a recommended section of a community's master plan (effective date 8/25/2008)



Small wind energy systems ~ RSA 674:58 Adds a new section that prevents municipalities from unreasonably regulating the installation of small wind energy systems or unreasonably hindering the performance of such installations by prohibiting their use in all districts in a community, using a generic height ordinance, requiring a setback of more than 150% of the system height, setting noise levels lower than 55 decibels, or setting electrical or structural design criteria that exceed applicable state, federal or international building or electrical codes or laws (effective date sections 1-3 7/11/2009, remainder effective date 7/11/2008).

Growth Management Ordinances ~ RSA 674:22 and 23 Requires the Planning Board to conduct a study of the municipality's projected growth rate and the municipality's need for additional services to accommodate such growth. Establishes specific provisions that must be contained in a growth management ordinance, and requires the board or CIP committee to develop a plan for the orderly and rational development of municipal services needed to accommodate anticipated normal growth. Requires annual review and report by the planning board to confirm that reasonable progress is being made to carry out the plan. (effective date 7/11/2008)

Right to Know Law ~ RSA 91-A Clarifies the manner in which the right-to-know law applies to both governmental records kept in electronic form and electronic communication used to transact governmental business. Also clarifies communications outside a meeting for the purposes of RSA 91-A (effective date 7/1/2008)

Workforce Housing ~ RSA 674:58 Requires communities to allow workforce housing in a majority of the land area that is zoned for residential use. In addition, a municipality must allow rental multi-family housing (defined as 5 or more units) in some areas of the community (effective date July 1, 2009).



TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Zoning

Section 674:22

674:22 Growth Management; Timing of Development. –

- I. The local legislative body may further exercise the powers granted under this subdivision to regulate and control the timing of development. Any ordinance imposing such a control may be adopted only after preparation and adoption by the planning board of a master plan and a capital improvement program and shall be based upon a growth management process intended to assess and balance community development needs and consider regional development needs.
- II. The local legislative body may adopt a growth management ordinance under this section only if there is a demonstrated need to regulate the timing of development, based upon the municipality's lack of capacity to accommodate anticipated growth in the absence of such an ordinance. The need to regulate the timing of development shall be demonstrated by a study performed by or for the planning board or the governing body, or submitted with a petition of voters presented under RSA 675:4. The study shall be based on competent evidence and shall consider the municipality's projected growth rate and the municipality's need for additional services to accommodate such growth.
- III. An ordinance adopted under this section shall include a termination date and shall restrict projected normal growth no more than is necessary to allow for orderly and good-faith development of municipal services. The planning board in a municipality that adopts such an ordinance shall promptly undertake development of a plan for the orderly and rational development of municipal services needed to accommodate anticipated normal growth; provided, however, that in a town that has established a capital improvement program committee under RSA 674:5, the plan shall be developed by that committee. The ordinance and the plan shall be evaluated by the planning board at least annually, to confirm that reasonable progress is being made to carry out the plan. The planning board shall report its findings to the legislative body in the municipality's annual report.

Source. 1983, 447:1. 2008, 360:1, eff. July 11, 2008.

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2015 New Hampshire Revised Statutes Title LXIV - PLANNING AND ZONING Chapter 674 - LOCAL LAND USE PLANNING AND REGULATORY POWERS Section 674:22 - Growth Management; Timing of Development.

Universal Citation: NH Rev Stat § 674:22 (2015)

674:22 Growth Management; Timing of Development. –

I. The local legislative body may further exercise the powers granted under this subdivision to regulate and control the timing of development. Any ordinance imposing such a control may be adopted only after preparation and adoption by the planning board of a master plan and a capital improvement program and shall be based upon a growth management process intended to assess and balance community development needs and consider regional development needs.

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Source. 1983, 447:1, eff. Jan. 1, 1984. 2008, 360:1, eff. July 11, 2008.

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CITY OF PORTSMOUTH

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(603) 610-7201

Karen S. Conard
City Manager

Date: January 30, 2020
To: Honorable Mayor Rick Becksted and City Council Members
From: Karen Conard, City Manager *KSC*
Re: City Manager's Comments on City Council Agenda of February 3, 2020

Presentations:

1. **Sagamore Avenue Sewer Extension:**

The City Engineer, Terry Desmarais, and the Deputy City Attorney, Suzanne Woodland, will provide a brief presentation concerning the Sagamore Avenue Sewer Project and identify key issues for City Council action at a future date.

By way of background in accord with the September 2016 Peirce Island Wastewater Treatment Facility Consent Decree Second Modification, the City has been planning a sewer extension project to provide public sewer service to approximately 91 connections adjacent to or near Sagamore Avenue to improve the water quality of Sagamore Creek. The Consent Decree requires that the construction of the sewer project begin no later than June 30, 2020 and be substantially complete on or before June 30, 2022.

A public information meeting was first held on September 4, 2019 to share information on the design of the new low pressure sewer system. The sewer project would include properties along Sagamore Avenue, Shaw Road, Cliff Road, part of Walker Bungalow Road, Sagamore Grove and Wentworth Road.

Due to a number of questions and concerns raised by residents, the project was further discussed at a Public Dialogue Session before the City Council meeting on October 7, 2019 and at two further public information meetings held on November 25, 2019 and December 9, 2019. All presentation materials are available on the City's website.

<https://www.cityofportsmouth.com/publicworks/sagamore-ave-sewer-extension-project>

In order to progress the project further, the City Council needs to provide policy direction as to several elements of the project. A work session is recommended followed by timely action to avoid further impacts to the schedule.

I recommend the City Council move to pass the following motions:

1. *Move to suspend the rules in order to take action under this section of the agenda.*
2. *Move to establish a City Council Work Session on March 2, 2020 for purposes of reviewing the Sagamore Creek Sewer Project options.*

2. **New Recreational Fields:**

The Director of Public Works, Peter Rice, the Recreation Director, Rus Wilson and the project's consultants, will provide a brief presentation concerning the status of the multi-use athletic fields project located on property adjacent to the Department of Public Works.

In 2016 the City purchased 50 acres of land from the Foundation for Seacoast Health. The property runs between Campus Drive, off of West Road, and the Department of Public Works property located at 680 Peverly Hill Road. This land will be used to fulfill several objectives of planning initiatives outlined in the City's 2010 Comprehensive Recreational Needs Study, and the update of this study in 2016. Those objectives include the installation of multiple multi-use playing fields and associated amenities. Due to budget constraints the project will be phased and built out as funding allows.

In addition to the playing fields, the first phase of the project will include the construction of an innovative regional storm water treatment system, consisting of two types of wetland treatment systems, to treat the storm water runoff originating from the West Road industrial area. This project is being designed to improve the water quality that runs into the Sagamore Creek and will include pre and post construction testing to determine the effectiveness of these treatment systems and will also include interpretive educational information for the public.

In order to progress the project further, the City Council needs to provide policy direction as to several elements of the project including project phasing, the use of synthetic turf fields and possible alternative turf infill materials. A work session is recommended followed by timely action to avoid further impacts to the schedule.

I recommend the City Council move to pass the following motions:

1. *Move to suspend the rules in order to take action under this section of the agenda.*
2. *Move to establish a City Council Work Session on February 18, 2020 for purposes of reviewing athletic field project options.*

3. **Right-to-Know Law**

City Attorney Sullivan will be providing a presentation on the state of New Hampshire's Right-to-Know Law.

IX. Public Hearings and Votes on Ordinance and/or Resolutions:

1. **Elderly and Disabled Exemptions - Resolutions:**

Annually, the City of Portsmouth reviews income and asset levels for both the Elderly and Disabled Exemptions and makes recommendations as to these levels pursuant to RSA 72:39-b and RSA 72.37-b.

Last year, the City Council adopted resolutions #1-2019 and #2-2019 which increased the income levels for both the elderly and disabled. The current elderly and disabled exemption income levels are \$42,471 for a single taxpayer, \$58,398 for married taxpayers; the current asset limit is \$175,000.

If qualified, for elderly taxpayers, the exemption off the assessed value of the property is as follows:

- Age 65 to 74 \$125,000
- Age 75-79 \$175,000
- Age 80 + \$225,000

If qualified, for disabled taxpayers the exemption off the assessed value of the property is \$100,000.

This year the 2020 increase for Social Security recipients is 1.6%.

If the City Council wishes to adjust the income level for both the elderly and disabled taxpayers by the Social Security cost-of-living increase, this would increase the limits as follows:

- Single \$ 43,151 increase of \$680
- Married \$ 59,332 increase of \$934

Any adjustment if approved would be for assessments as of April 1, 2020 for Tax Year 2020 (FY21).

The Assessor’s office mails a notification annually to all elderly and disabled persons who currently receive this exemption to update their applications. All new applicants must submit an application and required documentation by April 15th of each year.

I have attached for your information the estimated tax impact of the elderly and disabled exemptions for FY21 and a Town/City comparison indicating what other City and neighboring communities’ income and assets limits are for the elderly exemption.

Estimated Elderly & Disabled Exemption Impact				
Exemption Type	Exemption Amount	Number Currently Receiving Exemption	Value Loss	Revenue Loss
65 through 74	\$ 125,000.00	27	\$ 3,375,000.00	\$ 53,460.00
75 through 79	\$ 175,000.00	25	\$ 4,375,000.00	\$ 69,300.00
80 and over	\$ 225,000.00	55	\$ 12,375,000.00	\$ 196,020.00
Disabled	\$ 100,000.00	6	\$ 600,000.00	\$ 9,504.00
Totals		113	\$ 20,725,000.00	\$ 328,284.00

Note: The current tax rate of \$14.86 would be decreased approximately 5 cents on the current tax rate if the elderly and disabled exemptions were not granted.

Elderly Exemption Comparison Single Income							
	Single Income:	Married Income:	Single Assets:	Married Assets:	Exemption 65-74 years old	Exemption 75-79 years old	Exemption 80+ years old
Nashua	\$50,000	\$50,000	\$150,000	\$150,000	\$192,000	\$224,000	\$280,000
Portsmouth	\$42,471	\$58,398	\$175,000	\$175,000	\$125,000	\$175,000	\$225,000
Dover	\$42,000	\$57,000	\$169,800	\$169,800	\$115,000	\$162,000	\$207,000
North Hampton	\$40,000	\$55,000	\$175,000	\$175,000	\$120,000	\$160,000	\$200,000
New Castle	\$40,000	\$55,000	\$150,000	\$150,000	\$125,000	\$175,000	\$225,000
Rye	\$40,000	\$59,900	\$199,000	\$199,000	\$75,000	\$90,000	\$105,000
Hampton	\$38,000	\$58,000	\$250,000	\$250,000	\$125,000	\$160,000	\$200,000
Manchester	\$37,000	\$50,000	\$90,000	\$115,000	\$109,500	\$148,500	\$195,500
Greenland	\$36,000	\$60,000	\$75,000	\$75,000	\$60,000	\$80,000	\$100,000
Stratham	\$36,000	\$60,000	\$125,000	\$125,000	\$100,000	\$120,000	\$140,000
Rochester	\$35,000	\$50,000	\$100,000	\$100,000	\$75,000	\$100,000	\$125,000
Concord	\$33,400	\$45,800	\$90,000	\$90,000	\$73,000	\$119,000	\$203,000
Somersworth	\$32,000	\$50,000	\$100,000	\$100,000	\$50,000	\$65,000	\$75,000

Elderly Exemption Comparison Married Income							
	Single Income:	Married Income:	Single Assets:	Married Assets:	Exemption 65-74 years old	Exemption 75-79 years old	Exemption 80+ years old
Stratham	\$36,000	\$60,000	\$125,000	\$125,000	\$100,000	\$120,000	\$140,000
Greenland	\$36,000	\$60,000	\$75,000	\$75,000	\$60,000	\$80,000	\$100,000
Rye	\$40,000	\$59,900	\$199,000	\$199,000	\$75,000	\$90,000	\$105,000
Portsmouth	\$42,471	\$58,398	\$175,000	\$175,000	\$125,000	\$175,000	\$225,000
Hampton	\$38,000	\$58,000	\$250,000	\$250,000	\$125,000	\$160,000	\$200,000
Dover	\$42,000	\$57,000	\$169,800	\$169,800	\$115,000	\$162,000	\$207,000
North Hampton	\$40,000	\$55,000	\$175,000	\$175,000	\$120,000	\$160,000	\$200,000
New Castle	\$40,000	\$55,000	\$150,000	\$150,000	\$125,000	\$175,000	\$225,000
Somersworth	\$32,000	\$50,000	\$100,000	\$100,000	\$50,000	\$65,000	\$75,000
Rochester	\$35,000	\$50,000	\$100,000	\$100,000	\$75,000	\$100,000	\$125,000
Nashua	\$50,000	\$50,000	\$150,000	\$150,000	\$192,000	\$224,000	\$280,000
Manchester	\$37,000	\$50,000	\$90,000	\$115,000	\$109,500	\$148,500	\$195,500
Concord	\$33,400	\$45,800	\$90,000	\$90,000	\$72,818	\$118,420	\$202,124

Elderly Exemption Comparison Married Assets							
	Single Income:	Married Income:	Single Assets:	Married Assets:	Exemption 65-74 years old	Exemption 75-79 years old	Exemption 80+ years old
Hampton	\$38,000	\$58,000	\$250,000	\$250,000	\$125,000	\$160,000	\$200,000
Rye	\$40,000	\$59,900	\$199,000	\$199,000	\$75,000	\$90,000	\$105,000
North Hampton	\$40,800	\$59,000	\$190,000	\$190,000	\$125,000	\$165,000	\$200,000
Portsmouth	\$42,471	\$58,398	\$175,000	\$175,000	\$125,000	\$175,000	\$225,000
Dover	\$42,000	\$57,000	\$169,800	\$169,800	\$115,000	\$162,000	\$207,000
Nashua	\$50,000	\$50,000	\$150,000	\$150,000	\$192,000	\$224,000	\$280,000
New Castle	\$40,000	\$55,000	\$150,000	\$150,000	\$125,000	\$175,000	\$225,000
Manchester	\$37,000	\$50,000	\$90,000	\$115,000	\$109,500	\$148,500	\$195,500
Rochester	\$35,000	\$50,000	\$100,000	\$100,000	\$75,000	\$100,000	\$125,000
Somersworth	\$32,000	\$50,000	\$100,000	\$100,000	\$50,000	\$65,000	\$75,000
Concord	\$33,400	\$45,800	\$90,000	\$90,000	\$72,818	\$118,420	\$202,124
Greenland	\$36,000	\$60,000	\$75,000	\$75,000	\$60,000	\$80,000	\$100,000
Stratham	\$36,000	\$60,000	\$75,000	\$75,000	\$60,000	\$80,000	\$100,000

I recommend the City Council move to pass the following motions:

- 1. Move to adopt the Elderly Exemption Resolution as presented.*
- 2. Move to adopt the Disabled Exemption Resolution as presented.*

Resolutions require a majority vote of City Council. Once action is taken by the City Council, we will publicize the availability of the exemption and instructions on how to apply.

XIII. City Manager's Items which Require Action:

1. Expenditure of Funds from the African Burying Ground Trust:

City Council authorization is sought to expend up to \$10,450 from the African Burying Ground Trust for the purpose of conducting genome sequencing in a forensic environment of two sets of remains from the African Burying Ground. This request is consistent with the Trust purposes which allows for the expenditure of funds for educational and cultural purposes as well as construction and maintenance of the Memorial Park. The current balance of the Trust is approximately \$39,907.58. A copy of the [Trust is attached](#).

This request arises from the work last fall of the African Burying Ground Stewardship Committee and had the full support of all Committee members. A [briefing sheet](#) on the Committee's work in this area [is attached](#).

At the December 16, 2019 City Council meeting, then Councilor Chris Dwyer provided an update on this work and reported to the City Council that the testing was underway. The draft contract for services was not fully negotiated however until January.

Deputy City Attorney Woodland will be available to respond to questions.

I recommend City Council move to authorize the release of up to \$10,450.00 from the African Burying Ground Trust for genome sequencing and forensic genealogy.

2. Middle Street Bicycle Lanes – Public Meeting and Request for Work Session:

Pursuant to Council's request, the City will host a public meeting and work session to receive input on the Middle Street / Lafayette Road bike lanes. City staff is proposing to hold a public meeting on March 12th in Council Chambers. The purpose of the public meeting is to provide opportunity for members of the public to share comments, concerns, and suggestions for improvement. Following the public meeting, staff is recommending scheduling a work session with City Council on March 23rd at which time staff can present potential modifications to the design for consideration and further discussion. Meeting notices will be sent out to all property owners along the section of roadway that the bike lanes have been installed.

I recommend a motion to establish a Public Informational Meeting on March 12, 2020 and a City Council work session on March 23, 2020 for purposes of reviewing the Middle Street / Lafayette Road bike lanes.

3. Construction Easement – 135 Congress Street

On January 18, 2018, the Planning Board granted site plan review for a 2,943 square foot rear addition to this building for construction of a restaurant expansion and function space.

Previously, the City Council approved a 6-month temporary construction license for Bluestone Properties of Rye, LLC to encumber 4 parking spaces in the Worth Lot located at the rear of the 135 Congress Street. The approved license terms were November 1, 2019 to January 31, 2020 and then April 1, 2020 to June 30, 2020. The applicant has indicated that, due to construction delays associated with the construction of the three story building, they now require a temporary construction license extending to February 1, 2021. The proposed license would replace the existing temporary license and the effective term of the license would be February 1, 2020 to February 1, 2021 for a total of 366 days. The applicant is responsible for paying the daily fees for encumbrance of the parking spaces until this license is authorized by the Council.

The License Area is shown on [the attached plan](#). The total license area is 567 square feet and includes 4 parking spaces. Per the City's policy for "License Fee for Encumbrance of City Property", the total fee for the temporary license is calculated at \$35 per metered parking space or \$51,240 for 366 days.

The [attached proposed license agreement](#) provides that, if the license area is returned to the City prior to the end of the License Term, the City will refund to the applicant the portion of the license fee already paid to the City.

The Planning and Legal Departments have reviewed and approved the proposed temporary construction license.

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

Move that the City Manager be authorized to execute and accept the temporary construction license regarding 135 Congress Street as submitted.

XIV. Consent Agenda:

C. Water Services Access Easement:

On August 15, 2019, the Planning Board granted Site Plan Review approval for the construction of two three-story multi-family buildings for property located at 145 Lang Road (Arbor View Apartments).

As approved, the Site Plan Approval required that the applicant provide a water services access easement to the City for the purpose of maintenance and inspection of water infrastructure.

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

I recommend that the City Council move to grant authority for the City Manager to accept the Easement Deed in a form similar to those attached.

XVI. City Manager's Informational Items:

1. Report Back – 24 Hour Warming Centers:

At the Monday, February 3rd Council meeting, City Manager Conard will speak to the topic of 24 Hour Warming Centers in relation to the City of Portsmouth.

2. Bike Share Program

In the spring of 2017, the City entered into a 3-year lease agreement with Zagster, a private vendor which runs bike share programs. The City launched the pilot bike share program in May of 2017 with the installation of 6 bike stations around the downtown and 30 bikes. In 2018, the City added an additional station sponsored by Portwalk Place, bringing the total number of stations up to 7 and total number of bikes to 35. In 2019, the City added three new sponsorships, from Kane Development, Dagny Taggart LLC, and Chinburg Properties. As a result, new stations were added on Commerce Way at the Portsmouth Business Park, in the new Foundry Place Garage, and on Brewery Lane, bringing the total number of stations up to 10 and total number of bikes to 50.

The lease is based on a cost of \$1,800 per bike. The City's portion --\$54,000 in 2017, 2018 and 2019 for six (6) stations -- is funded through the City's Parking Revenue fund (not taxes) and member fees. The four (4) sponsored stations are fully-funded by the sponsors (\$36,000 or \$9,000 per station). Ridership, revenues, and trip summaries by year are provided below:

	Users	Total Trips	Avg. # trips per rider	Net Member Fees to City*
2017	976	1,876	1.9	\$7,784.45
2018	752	1,599	2.1	\$5,049.46
2019	689	1,598	2.3	\$2,938.35

** The City receives all revenue from the fees paid by users of the Zagster system minus a 7% administration fee. The decrease in revenue from the initial launch is due in part to a reduction in the number of overall users as well as a fluctuation in the user fees each year.*

Although the overall number of users has decreased since the program was initially introduced, the number of trips has remained level over the past two years and the average number of trips per user has increased. Staff believes there is still potential to grow the number of users and generate increased interest in this program through outreach to new markets.

Over the past decade, bike share and other shared "micro-mobility" options have been introduced in communities around the United States. These systems have rapidly grown in popularity as an alternative mode of travel and have also been shown to bolster public transit usage and decrease reliance on personal vehicles. Based on experiences in other communities around the country, having a city-supported bike share program is preferable to leaving this in the realm of the private market. By entering into an agreement with a vendor to operate the program on behalf of the City, the City positions itself to manage where, how, and when bike share is implemented in the city.

The City's lease with Zagster expires in May of 2020. At this time, City staff would like to recommend that the City continue to offer a bike share service in some format at little to no cost to the City. In other words, the program would continue to operate with City oversight and approval, but would be paid for largely through private sponsorship and user fees. **If Council is supportive of continuing a bike share program, staff is prepared to issue a request for proposals to continue the bike share program with a vendor to be selected through a competitive bid process.** We would also recommend that the request for proposals include the option to add additional shared "micro-mobility" options (e.g. scooters or e-bikes) also at no additional cost to the City should the City decide to expand shared mobility options in the future.

CITY OF PORTSMOUTH
AFRICAN BURYING GROUND TRUST

The City of Portsmouth, a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire (hereinafter "City") and its Trustees of Trust Funds, Charter Officers of the City with a principal place of business of Prescott Park, Shaw Building, Marcy Street, Portsmouth, County of Rockingham and State of New Hampshire (hereinafter "Trustees") hereby enter this agreement of Trust for the purposes and under the terms and conditions established herein.

1. STATEMENT OF PURPOSE:

This Trust is established for the purpose of creating a repository for all funds authorized, contributed or received by the City of Portsmouth for the African Burying Ground in Portsmouth, New Hampshire, also known as the Portsmouth African Burying Ground, the Negro Burying Ground and the Chestnut Street Burial Ground.

2. TRUST ASSETS:

All funds which shall be directed to the Trust and any income produced thereby shall be administered by the Trustees in accordance with their fiduciary duty, the terms of this Trust and the ordinances and Charter of the City of Portsmouth.

3. USE OF TRUST ASSETS:

The assets and income held in the African Burying Ground Trust may be expended for the construction and maintenance of the African Burying Ground as well as for educational and cultural outreach programs related to the burial ground and its history and design. Any expenditures from the Trust shall be authorized by the City Council. The Trustees shall disburse such funds at times and in amounts as may be specified under the direction of the City Manager acting pursuant to that authorization of the City Council.

4. INVESTMENT AND REINVESTMENT OF TRUST FUNDS:

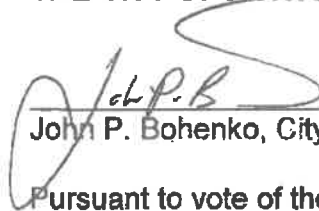
The Trustees shall hold, invest and reinvest the assets of the Trust together with all additional thereto, either in savings or special notice accounts or in such investments as allowed by the laws of the State of New Hampshire, and may collectively invest such funds with other funds held by the Trustees for the sole purpose of obtaining a higher yield on the investments so collectively invested. The funds of this Trust shall be accounted for separately by the Trustees along with any interest earned on such funds.

5. **OVERSIGHT AND ENFORCEMENT:**

The administration of this trust and the expenditure of any funds therefrom shall be subject to the oversight of the Charitable Trust Unit of the Office of the Attorney General of the State of New Hampshire, which entity may enforce the terms and conditions of this trust by proceeding in equity or otherwise.

THE CITY OF PORTSMOUTH

Dated: 9/22/10



John P. Bohenko, City Manager

Pursuant to vote of the City Council on
September 20, 2010.

Accepted by the Trustees of Trust Funds.

Dated: 10/28/2010



Lea Aeschliman

Dated: 10/28/2010



Phyllis Eldridge

Dated: 10/28/10



Brad Lown

BRIEFING SHEET

AFRICAN BURYING GROUND STEWARDSHIP COMMITTEE EXPLORATION OF RESEARCH OPPORTUNITIES

At its meeting of November 25, the African Burying Ground Stewardship Committee authorized sending the pulverized bone and teeth fragments from two separate burials for genome sequencing and forensic genealogical analysis. See attached draft minutes from the November 25, 2019 meeting.

The decision to send these two particular samples is the result of three separate meetings which involved the input not only of the African Burying Ground Stewardship Committee (which includes representatives of the descendent community), but also Drs. Howey and Michael, professors serving with the Anthropology Department at the University of New Hampshire, as well as Dr. Kathy Wheeler of Independent Archaeological Associates and the State Archaeologist.

The two samples will be tested first for viability. If the samples are viable, genome sequencing will proceed and forensic genealogical efforts will be undertaken thereafter. Total cost for the Phase One assessment of two samples to determine viability is \$2,946. If the samples are viable, cost for the genome sequencing and forensic genealogical effort would be \$6,998.00 for both samples. There would also be some shipping costs. Total of \$10,450.

The company that the City proposes using for this genome sequencing work is Othram. Dr. Michael has worked with this firm previously and has confidence in the work product, their sensitivity to handling remains, maintaining confidentiality and chain of custody. Assuming the genome sequencing is successful, the information would be provided to Redgrave Research for the forensic genealogical services. Othram and Redgrave partner on such projects.



DRAFT
AFRICAN BURYING GROUND STEWARDSHIP COMMITTEE

Monday, November 25, 2019
1:30 p.m.
Portsmouth City Hall Complex,
Conference Room A

Members Present: Vernis Jackson, Valerie Cunningham, Dr. Jan Nisbet, Councilor Chris Dwyer, Towny Manfull (via teleconference)

Staff Present: Suzanne M. Woodland, Deputy City Attorney
Nancy Carner, Economic Development Program Manager

Guests: Dr. Kathleen Wheeler, JerriAnne Boggis

1. Acceptance of draft minutes of October 2, 2019 meeting
On a motion by Vernis Jackson, seconded by Chris Dwyer, the minutes of the October 2, 2019 meeting were unanimously approved.

2. Update and discussion of Research Opportunities
Deputy City Attorney Woodland provided the following update on research opportunities:

- Contract terms and quotes from Othram, Inc., in partnership with Redgrave Research for combined DNA sequencing and forensic genealogy research are currently being solicited;
- The performance of dental metrics and dental calculus on the remaining eight (8) teeth is underway;
- Deputy City Attorney Woodland has received concurrence from the City Manager to spend trust funds for the research.

In follow-up to prior technical discussions amongst Drs. Howie, Michael and Wheeler, Dr. Wheeler reported that she has reviewed the data of those existing bone and teeth samples that were previously analyzed and exist in pulverized form only. She identified three potential candidate samples for DNA sequencing:

- a. From Burial #3 – oldest individual, no gender confirmation but characteristics of teeth indicate likelihood of female with high potential of bearing offspring.
- b. From Burial #12 - Middle-aged male individual with accompanying child
- c. From Burial # 1- Male in his late twenties.

Because the bones/teeth of these individuals were pulverized for earlier analysis, the initial analysis will reveal viability.

The Committee discussed sending two samples for analysis. Provided the samples are viable, the possibility of doing additional research beyond DNA testing was also discussed.

On a motion by Chris Dwyer, seconded by Ms. Jackson, the recommendation to conduct DNA sequencing analysis on the individuals from Burials #3 and #12 was unanimously approved.

On a motion by Ms. Jackson, seconded by Ms. Cunningham, the recommendation to proceed with forensic genealogical research if the DNA sequencing is successful was unanimously approved.

Dr. Nesbit reported that the Committee should have more information in early 2020 on other additional research opportunities and related costs following Dr. Michael's training on UNH's new micro-CT equipment.

3. Public Communications

Members of the descendent community emphasized that public communication around this topic is complicated and needs to be carefully done. The interpretation of any results demands particular attention. All concurred.

This conversation will be continued at the next meeting to which Stephanie Seacord, the City's Public Outreach Coordinator, will be invited.

4. Other business

Attorney Woodland asked for input on expanding Committee membership. Councilor Dwyer suggested that the first step is to check with the incoming Mayor-elect and City Council members. Ms. Boggis indicated she is interested in serving if the Committee is expanded.

5. Next Steps/Next Meeting Date

- Attorney Woodland will work on terms for a contract with Othram Inc., for the approved DNA analysis. The goal is to have information by mid- to late January 2020.
- City staff will work with UNH on a Memorandum of Agreement for work with UNH for research tasks and curation.

Prepared by Nancy Carmer

LICENSE AGREEMENT
FOR BLUESTONE PROPERTIES OF RYE, LLC

The City of Portsmouth (hereinafter "City"), a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to Bluestone Properties of Rye, LLC (hereinafter "Licensee" or "Owner") with a principal place of business at PO Box 4780, Portsmouth, NH 03802 pursuant to the following terms and conditions:

1. **Areas of License and Use:** The Owner owns the land, with buildings and other improvements thereon, in the City of Portsmouth, Rockingham County, State of New Hampshire, located at 135 Congress Street, shown on the City of Portsmouth's Assessor's Map as Tax Map 0126-0005-000 ("Subject Property"). For the Owner's title to the Subject Property, see Rockingham County Registry of Deeds at Book 5761 Page 1289

The City authorizes Licensee to temporarily use four parking spaces located in the Worth Lot, more particularly described in the attached Exhibit A, as follows:

License Area : 576 square feet which includes four parking spaces depicted and described as the License Area in Exhibit A: city owned encumbered space. The License Area includes one ADA parking space and three metered parking spaces. The Department of Public Works will create one temporary ADA parking space in the Worth Lot to replace the ADA parking space encumbered by this License as shown in Exhibit B.

2. **Use:** Licensee shall make use of the License Area for the purpose of facilitating the Licensee's construction of a three story building.
3. **Term:** The license for the License Area shall be for 12 months, February 1, 2020 through February 1, 2021 for a total of 366 days. Licensee may terminate this License prior to the end of the term by returning License Area to safe and effective use by the public prior to the expiration of the term of this License. Failure to remove all vehicles, barriers, materials and equipment and to return the License Area to the City in the manner prescribed under this License at the end of the term shall result in enforcement action by the City.

4. **Notice:** Licensee shall provide notice to the City's Director of Public Works when Licensee assumes control and use of the License Area and again when it returns the License Area to the City's control and use.
5. **License Fees:** The Owner shall pay to the City license fees in accordance with City Council Policy No. 2018-02 entitled "License Fee for Encumbrance of City Property". The License Fee Policy provides that the Owner will be charged a daily fee for each metered parking space encumbered by this License as determined by the fee schedule.

License Area: The License Area is 576 square feet which includes four parking spaces in the Worth Lot. The daily fee for each parking space is \$35 a day and the daily fee for the four parking spaces is \$140.

The \$140 daily License Fee for the four parking spaces will be paid for the 366 day License Term for a total License Fee of **\$51,240**.

The total License Fee shall be paid in full to the City in advance of the commencement of the term of this Agreement.

Because it is in the City's interest that the Licensed Areas be returned to the public use as soon as possible, if the License Area is returned to the City prior to the end of the License Term, the City will refund the Owner the portion of the License Fee paid but not used by the Owner.

6. **Indemnification:** Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury or personal injury which arises as a result of its utilization of the Licensed Areas. This obligation survives termination or revocation of this Agreement.
7. **Insurance:** At all times the Licensee shall maintain insurance for bodily injury and property damage in the amount of at least \$1,000,000 per occurrence. Licensee will provide proof of insurance to the City during the term of this Agreement.
8. **Maintenance of Area:** During the term of this Agreement, Licensee shall maintain the License Area in a safe, neat and orderly fashion and shall take such actions as are necessary to protect the public safety. The Licensee shall secure the perimeter of the License Area and take such other measures as may be necessary for pedestrian and vehicular safety during use of the Licensed Areas.

9. **Damage:** Licensee agrees to remedy any damage to the License Area caused by the Licensee's activities. The work will be performed by Licensee to City specifications and survive the terms of this License Agreement. The City may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.

10. **Compliance with Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state or federal laws or regulations or conditions imposed by any local board. Failure to abide by any local, state or federal laws or regulations or any condition of site plan and may at the City's discretion, result in revocation.

11. **Revocation:** The City may terminate this Agreement or any provision contained in this agreement on 72 hours written notice provided if Licensee fails to meet the terms and conditions of this License or if the public interest requires such termination. No 72 hour written notification is required by the City if it is an emergency.

12. **Contractor and Subcontractor Parking:** Licensee understands and agrees that its contractors and subcontractors for the project shall not use on-street parking. Language will be inserted in Licensee's vendors and suppliers Purchase Orders and Trade Subcontracts that make the prohibition against parking on City streets mandatory. Contractor shall limit/ manage construction vehicles and deliveries to avoid disruption to businesses, particularly during the holiday season. Contractor may use loading zones for active loading and unloading of materials, equipment and tools.

Dated this _____ day of _____, 2020

City of Portsmouth

By: _____

Karen S. Conard
City Manager

Pursuant to vote of the City Council
of February 3, 2020

Dated this _____ day of _____, 2020.

Bluestone Properties of Rye, LLC

By: _____

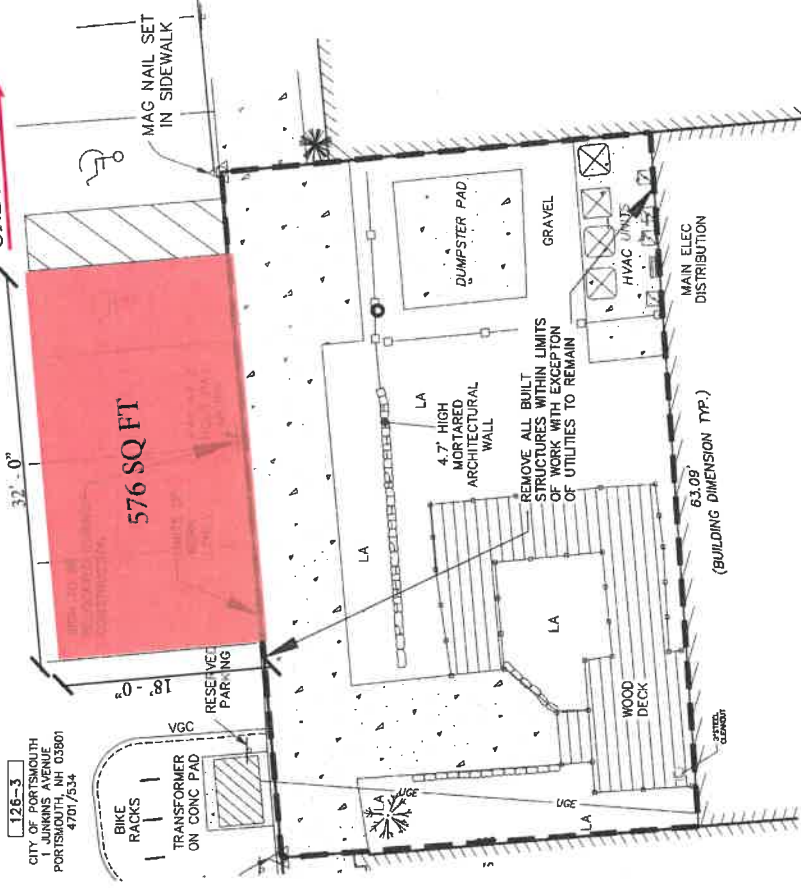
APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN	DATE

WORTH LOT

SHIFT HANDICAP PARKING ONE SPACE

126-3
CITY OF PORTSMOUTH
1 JUNKINS AVENUE
PORTSMOUTH, NH 03801
4707/534



REAR LOT @ 135 CONGRESS ST, ADJACENT TO WORTH LOT

CITY OWNED ENCUMBERED SPACE

ENGINEER
ALTUS ENGINEERING, INC.
135 CONGRESS STREET
PORTSMOUTH, NH 03801
(603) 430-5555
www.altus-engineering.com



ISSUED FOR: TAC SUBMITTAL
ISSUE DATE: SEPTEMBER 18, 2017
PROJECT NO. DESCRIPTION: BY DATE
0 REAR ENCUMBERED SPACE ERM 09/18/17

DRAWN BY: [blank]
APPROVED BY: [blank]
DRAWING FILE: [blank]
SCALE:
22" x 34" - 1" = 5'
11" x 17" - 1" = 10'
OWNER/APPLICANT:

BLUESTONE PROPERTIES OF RYE, LLC
PO BOX 4780
PORTSMOUTH, NH 03802

PROJECT:
PROPOSED SITE REDEVELOPMENT PLANS
135 CONGRESS STREET
PORTSMOUTH, NH
ASSESSOR'S PARCEL 126-5

TITLE



SHIFT EXISTING TO PROPOSED LOCATION





Richard A. Mason, Logistic Chair
2020 Veterans Count Gala Event
3 Suzanne Drive, Portsmouth, New Hampshire 03801
Rmason55@comcast.net cell: 603-396-8604

March 19, 2019

Ms. Karen Conrad, City Manager
City of Portsmouth
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Dear Ms. Conrad:

Veterans Count is seeking the appropriate approvals for our 8th Annual "Salute our Soldiers" Gala event sponsored by the Seacoast Veterans Count, an affiliate of Easter Seals-NH. We offer the following information:

DATE/TIME: May 2, 2020 at 4:00 PM until about 11:00 PM.
LOCATION: The Executive Hangar located at 120 Aviation Drive in Portsmouth (at Pease International Tradeport).
PDA: We have been in contact with and are working with the Pease Development Authority regarding this event.
EVENT: This will be an evening of heavy hors d'oeuvres, entertainment, dancing, and static WW II displays in the apron area of the hangar, with approved security details on site. See attached flyer.
ATTENDEES: We are hoping for about 400-500 attendees.
PARKING: We are working out the parking details currently and will have the details when we meet with the city department officials as in the past.
ALCOHOL: We will have a bar available on premise and we are working to secure the appropriate licenses at this time.
FOOD: We will have a hired caterer responsible for all food, preparation, serving and cleaning up. The caterer will be responsible for all permits required.
SANITATION: We will have an executive portable restroom on premise, as well as the restrooms at the facility. Handicapped toilets will be provided by the facility.
POLICE: We will work with the Portsmouth Police Department to have details as required as we have previously.
FIRE: We will work with Portsmouth Fire Department to have fire and medical coverage at the event.
INSURANCE: We have an attached certificate of liability with the city listed as the certificate holder.

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

Thanks!

Richard Mason

CC: Denise Poulos
Bryan Curley
Eddie Edwards

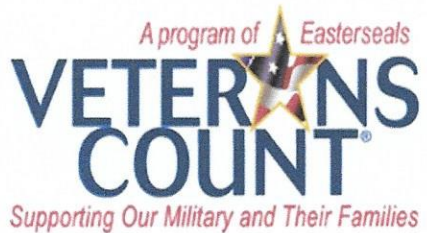
EIGHTH ANNUAL



BeBop Bash

at the Hangar Lounge

A NIGHT TO BENEFIT



Saturday, May 2, 2020
Executive Hangar
120 Aviation Drive
Pease International Tradeport
Portsmouth, NH





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
1/10/2020

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 any rights to the certificate holder in lieu of such endorsement(s).

PRODUCER USI Insurance Services LLC 3 Executive Park Drive, Suite 300 Bedford, NH 03110 855 874-0123	CONTACT NAME: PHONE (A/C, No, Ext): 855 874-0123 FAX (A/C, No): E-MAIL ADDRESS: <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:80%; text-align: center;">INSURER(S) AFFORDING COVERAGE</td> <td style="text-align: center;">NAIC #</td> </tr> <tr> <td>INSURER A : Philadelphia Indemnity Insurance Co.</td> <td style="text-align: center;">18058</td> </tr> <tr> <td>INSURER B :</td> <td></td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Philadelphia Indemnity Insurance Co.	18058	INSURER B :		INSURER C :		INSURER D :		INSURER E :		INSURER F :	
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INSURER D :															
INSURER E :															
INSURER F :															
INSURED Easter Seals NH, Inc. 555 Auburn Street Manchester, NH 03103															

COVERAGES **CERTIFICATE NUMBER:** **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 SUBR		POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
		INSR	WVD					
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY	X	X	PHPK2027763	09/01/2019	09/01/2020	EACH OCCURRENCE	\$1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$100,000
	<input checked="" type="checkbox"/> Professional Liab						MED EXP (Any one person)	\$5,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJURY	\$1,000,000
<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC			GENERAL AGGREGATE	\$3,000,000				
OTHER:			PRODUCTS - COMP/OP AGG	\$3,000,000				
				\$				
A	AUTOMOBILE LIABILITY	X	X	PHPK2027759	09/01/2019	09/01/2020	COMBINED SINGLE LIMIT (Ea accident)	\$1,000,000
	<input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY						BODILY INJURY (Per person)	\$
	<input checked="" type="checkbox"/> HIRED AUTOS ONLY						BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> SCHEDULED AUTOS						PROPERTY DAMAGE (Per accident)	\$
	<input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY							\$
				\$				
A	<input checked="" type="checkbox"/> UMBRELLA LIAB	X	X	PHUB690618	09/01/2019	09/01/2020	EACH OCCURRENCE	\$15,000,000
	<input type="checkbox"/> EXCESS LIAB						AGGREGATE	\$15,000,000
	DED <input checked="" type="checkbox"/> RETENTION \$10K							\$
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY							PER STATUTE	OTHER
ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)			N/A				E.L. EACH ACCIDENT	\$
If yes, describe under DESCRIPTION OF OPERATIONS below							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$
A	EDP			PHPK2027763	09/01/2019	09/01/2020	\$1,619,500	\$500 Deductible Special Form Incl Theft

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Supplemental Names: Easter Seals ME, Inc., Manchester Alcohol Rehabilitation Center, Inc., dba The Farnum Center, Easter Seals VT, Inc., & The Homemakers Health Services. The General Liability policy includes a Blanket Automatic Additional Insured Endorsement that provides Additional Insured and a Blanket Waiver of Subrogation status to the Certificate Holder, only when there is a written contract or written agreement between the named insured and the certificate holder that requires such status, and only with regard to the (See Attached Descriptions)

CERTIFICATE HOLDER City of Portsmouth, NH, City Hall 1 Junkins Avenue Portsmouth, NH 03801	CANCELLATION 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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DESCRIPTIONS (Continued from Page 1)

above referenced on behalf of the named insured. The General Liability policy contains a special endorsement with "Primary and Non-Contributory" wording.

RE: Event: Seacoast Gala to be held May 2, 2020 at 120 Aviation Ave., Portsmouth NH.
Additional Insureds Includes: City of Portsmouth.



RECEIVED

JAN 24 2020

CITY MANAGER
PORTSMOUTH, NH

Thomas W. Haslam - Secretary
St. John's Lodge No 1 F. & A. M.
351 Middle Street
Portsmouth, NH 03801-5009

January 22, 2020

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

Dear Ms. Conard:

The Worshipful Master of St. John's Lodge No. 1, Wors. Bro. Jason DeStasio requests that we be allowed to hold our annual 5K Road Race again this year on April 11th at 8:00 AM using the same route as last year. We will have the usual insurance that is required and look forward to your response.

The funds from this year's race will be benefitting Lydia's House of Hope.

Sincerely,

Tom Haslam
Secretary, St. John's Lodge #1
stjohnstom@comcast.net
603-498-7205 cell

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

ACCESS EASEMENT FOR WATER SERVICES

KNOW ALL MEN BY THESE PRESENTS, that **ARBOR VIEW & THE PINES, LLC** a foreign limited liability company with an address c/o Forest Properties Mgmt. 625 Mt. Auburn Street, Suite 10, City of Cambridge and Commonwealth of Massachusetts 02138 (the "Grantor"), for consideration received, grants to the City of Portsmouth, a municipal body politic having a mailing address of 1 Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire 03801, (the "Grantee") with **QUITCLAIM COVENANTS** an easement on, over, below, along, and across the Grantor's property (the "Premises") as shown on a certain plan identified as "Arbor View Apartments Residential Development 145 Lang Road Portsmouth, NH Tax Map 287, Lot 01" dated January 14, 2020 and recorded in the Rockingham County Registry of Deeds as Plan # _____ (the "Plan"), and being more particularly described as follows:

BEGINNING AT A POINT ON THE NORTHEASTERLY SIDELINE OF LANG ROAD AT LAND NOW OR FORMERLY OF JAMES A. LABRIE AND ANDERS E. ALBERTSEN, BEING THE MOST WESTERLY CORNER OF THE PREMISES HEREIN DESCRIBED; THENCE RUNNING NORTH 41°01'30" EAST BY SAID LAND OF LABRIE AND ALBERTSEN 721.37' TO A CORNER AT MAP 287, LOT 1-A ON THE PLAN AT LAND NOW OR FORMERLY OF R & L ENTERPRISES; THENCE TURNING AND RUNNING SOUTH 53°29'04" EAST ALONG SAID LOT 1-A 329.24' TO A POINT; THENCE RUNNING SOUTH 53°18'24" EAST ALONG LOT 1-A 184.00' TO A CORNER; THENCE TURNING AND RUNNING SOUTH 36°11'46" WEST ALONG LOT 1-A 15.00' TO A CORNER; THENCE TURNING AND RUNNING SOUTH 53°48' EAST, ALONG LOT 1-A 178.74' TO A CORNER; THENCE TURNING AND RUNNING SOUTH 40°31' WEST ALONG LOT 1-A 320' TO A CORNER; THENCE TURNING AND RUNNING SOUTH 63°13' EAST ALONG LOT 1-A 2,256' TO A POINT AT THE NORTHEASTERLY CORNER OF THE LOT HEREIN DESCRIBED AND LAND NOW OR FORMERLY OF THE CITY OF PORTSMOUTH AND LAND NOW OR FORMERLY OF ARMAND J. AND MARGARET R. GAGNE; THENCE TURNING AND RUNNING SOUTH 36°24'

WEST ALONG SAID GAGNE LAND 277' TO A POINT AT LAND NOW OR FORMERLY OF KAREN LAM & COLIN A MCGEE; THENCE TURNING AND RUNNING ALONG LAND OF SAID LAM AND MCGEE AND ALONG LAND NOW OR FORMERLY OF LINDA CLOUGH NORTH 54°22'00" WEST A DISTANCE OF 200.00' TO A POINT AT LAND NOW OR FORMERLY OF MICHAEL J. LOOMIS AND CYNTHIA A. DILLAHA; THENCE RUNNING NORTH 54°19'45" WEST ALONG SAID LOOMIS & DILLAHA LAND A DISTANCE OF 61.38' AND NORTH 54°33'14" WEST A DISTANCE OF 40.79' TO A POINT AT LAND NOW OR FORMERLY OF LANA M. PESECKIS & SCOTT B. WOODCOCK; THENCE RUNNING NORTH 54°7'11" WEST ALONG SAID PESECKIS AND WOODCOCK LAND A DISTANCE OF 100.06' TO A POINT; THENCE TURNING AND RUNNING SOUTH 36°06'59" WEST STILL ALONG LAND OF PESECKIS AND WOODCOCK 449.63' TO LANG ROAD, THENCE TURNING AND PROCEEDING ALONG LANG ROAD THE FOLLOWING COURSES AND DISTANCES: NORTH 53°57' WEST 489' TO A POINT; NORTH 53°18' WEST 249' TO A POINT; NORTH 55°42' WEST 208' TO A POINT; NORTH 55°22' WEST 392' TO A POINT AT A CORNER OF STONE WALLS; NORTH 54°02' WEST 515' TO A POINT; NORTH 54°02'14" WEST 221.06' TO A POINT; NORTH 53°46'58" WEST 478.94' TO THE POINT OF BEGINNING.

Containing 35.53 acres.

Meaning and intending to convey an easement over "Beechstone Property – Lot #2" conveyed to the within Grantor by Deed of the Portsmouth Apartments Holding, LLC and Branford Holding, LLC dated July 24, 2018 and recorded in the Rockingham County Registry of Deeds at Book 5934, Page 0837.

Purpose and Rights: The Grantee shall have a perpetual, permanent uninterrupted and unobstructed nonexclusive easement for the purpose of enabling the City of Portsmouth to access private water infrastructure including mains, water shutoffs, and valves for the limited purpose of leak detection and similar infrastructure inspection services and for access to valves for purposes of turning on and shutting off municipal water service. Grantee shall have no responsibility for installation, maintenance, operation, or replacement of the water infrastructure.

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

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

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

IN WITNESS WHEREOF, the parties have executed this document on the _____ day of _____, 20__.

ARBOR VIEW & THE PINES, LLC

By: _____

Its duly authorized _____

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

This instrument was acknowledged before me on _____, 2020 by _____, duly authorized Manager/Member of ARBOR VIEW & THE PINES, LLC.

Notary Public / Justice of the Peace
(My commission expires: _____)

CITY COUNCIL E-MAILS

January 21, 2020 (after 4:00 p.m. – January 30, 2020 (8:00 a.m.)

February 3, 2020 Council Meeting

Below is the result of your feedback form. It was submitted by Mark Dorley (Markdorley@hotmail.com) on Tuesday, January 21, 2020 at 15:19:38

address: 777 Middle Rd. #25

comments: Please take action and fix the design of the Middle St Bike Lane. Put the on street parking back against the curb. Remove all the unnecessary buffer zones. Have the lane mirror the others we have in the city. In areas of on street parking have the lane on the outside of parked cars. Enough is enough. Too many side view mirrors being hit and near misses to let this design stay. I ride a bike and think this is a bad design. I am very frustrated that citizens concerns are not being addressed in this matter. Please take action and fix this problem.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Anne Romney (anneromney@gmail.com) on Tuesday, January 21, 2020 at 18:52:25

address: 66 State St., Portsmouth

comments: Hello City Councilors,
I was at the MLK Breakfast on Monday and didn't notice any of the council members there. Before I make any unfair assumptions, would you please tell me if you did attend and I just didn't recognize you?
Thanks very much,
Anne

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Nancy MacDonald (nanmac28@gmail.com) on Wednesday, January 22, 2020 at 14:07:05

address: 28 Ball Street

comments: Esther, Thank you for addressing the issue of curbing fundraising walks and races in the South End. Thank you City Council for unanimously approving the motion to instruct the City Manager to direct applicants to other locations.

Living on Ball Street for over 25 years, these races have come to limit our free access to and from our property. One possible safe location on weekend would be Pease.

Thanks again,
Nancy MacDonald

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Anne Romney (anneromney@gmail.com) on Sunday, January 26, 2020 at 11:20:06

address: 66 State St. #303

comments: Hello again, City Councilors

Thank you to those of you who responded to my inquiry about MLK Day. The message I heard is that all of you either didn't know about the event and/or were waiting for an invitation - to which I've clarified that it is always open to everyone, free and held on MLK Day - the third Monday in January.

I wanted to extend an invitation to each of you to participate in the upcoming dialogues that on Equity and Inclusion that Portsmouth Listens is holding. The Kick-off is Thursday, Feb. 20th at PHS from 6:30-8:30. Please go to

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.portsmouthlistens.org&c=E,1,DE2Ei8KBV_t0SWGfmz29C8i6p0YyWgnwJJzKHFjWsjAFdQDJoZ257DIXZE0VT6SsVelOG7tGwx_hdFJWSGMWzmi7ap-zkcaYgFABpMBYFgnlweyXZB9inZjzM3E&typo=1 to learn more, register and also, please take our survey!

Thanks, Anne

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Pontine Theatre (info@pontine.org) on Monday, January 27, 2020 at 10:06:45

address: Plains School, #1 Plains Ave

comments: Free Robert Frost Workshops / 12 February - 4 March

Join Pontine Theatre's Co-Artistic Director, Greg Gathers & Marguerite Mathews, to read and discuss a selection of early poems by Robert Frost. Pontine will premiere a new work based on Frost's early poems in March 2020. Robert Frost was a long-time summer resident of Franconia NH. Known for his New England settings, his down to earth, stark depictions of the difficulties of rural farm life, and his use of colloquial speech, Robert Frost is widely admired as a true American Master. Harriet Munroe, publisher and editor of "Poetry," wrote that "perhaps no other poet in our history has put the best of the Yankee spirit into a book so completely." She notes that while Frost's narrative, character-based poems are often dark and satirical, Frost always has a "sympathetic humor" towards his subjects. These workshops are free and open to the public, no experience necessary. Workshops are offered on Wednesdays from 2-3:15pm and are open to the public free of charge!

ge. Location is the Historic 1845 Plains Schoolhouse, #1 Plains Avenue, Portsmouth NH. The space is fully accessible with free parking adjacent. For further information please attend the first workshop scheduled for Wednesday 12 February at 2pm.

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Barbara Jenny (brjenny@comcast.net) on Thursday, January 30, 2020 at 06:46:15

address: 81 Lincoln Ave

comments: Councilors: I was not at the meeting in which you voted to ditch the draft ground lease on the MacIntyre. But I read that you ignored the reproach to seek council from Mr. Sullivan in a closed meeting prior to the vote.

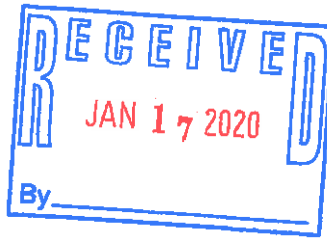
Thank you!

I look forward to a new era in which the City Council directs the staff according to the will of the people—and the law, of course. But too often in the past, the City attorneys, manager, and staff have interpreted those laws, behind closed doors, to benefit their internal policy.

I appreciate the council's will to bring such dialogue into the light as part of our public discussion and deliberation.

includeInRecords: on

Engage: Submit



January 14, 2020

Dear City Council Members,

Could you tell me what it would take for the City of Portsmouth to alter the off-leash dog park statutes?

I live in an area where a walk in the South End (we live at 455 South St.) has become stressful and sometimes frightening due to the number of dog owners who do not maintain control over their dogs in off-leash areas. My husband and I have owned greyhounds and lived at our South St. residence for 30 years. I am seeing more and more people disregarding the need for control over their dogs.


Though I would love to walk through Langdon Park, Haven Park, the South Mill Pond area, and even Strawberry Banke, I don't feel at all safe doing that with my leashed greyhounds due to the number of dogs who are barely or not at all under the control of their owners. Even walking on the sidewalk poses serious threats. I've attached a letter I just sent to Strawberry Banke. Only two months ago, on Nov. 16 2019 while walking with my leashed dogs on South St. an unleashed and out of control dog viciously attacked one of my greyhounds while the owner stood nearby and did nothing. We have had to hire an attorney to deal with the enormous monetary damage their dog inflicted on mine.

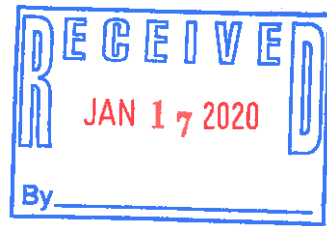
Today, while out walking with my dogs, I witnessed a man with an unleashed black German Shepard mix walking through the Little Harbor playground area that's clearly marked "No Dogs Allowed."

So many people seem to disregard the existing laws. Why does the City of Portsmouth make it even worse by providing off-leash areas and force those of us who would like a peaceful walk with our dogs to be constantly on the look-out for those who could care less what they inflict on anyone?

I look forward to hearing from any or all of you.

Sincerely,


Karen Johnson
455 South St.
Portsmouth, NH 03801
603-436-8742



January 14, 2020

Dear Jay,

Thank you for taking my phone call today regarding a loose dog at Strawberry Banke yesterday.

I've lived in Portsmouth for over 30 years and have always had greyhounds. Currently, my husband and I own two. We live on the very edge of the South-End on South St. near Langdon Park which runs the length of Junkins Ave. Between Strawberry Banke and our home there is also Haven Park. I mention this because Strawberry Banke, Haven Park and Langdon Park are all areas where large numbers of dogs and their owners frequently congregate. If Strawberry Banke is closed for some particular occasion, the dogs and their owners fill up Haven Park and Langdon Park.

None of this would be a problem, except for the fact that some dog owners don't have actual voice control over their unleashed dogs. I know, because I've witnessed it enough times. They also tend to not leash their dogs when leaving whatever area they've let their dogs run free in.

An example, and the reason for this letter, occurred Monday morning (about 8 a.m.), January 13, 2020. I was walking one of my greyhounds on Marcy St., heading south, on the Prescott Park side of the street. A woman had left the Strawberry Banke dog/field area with her dog unleashed and was going to her car, parked in the Mombo parking lot. Suddenly, the dog charged through the parking lot, across the sidewalk and into the street toward me and my dog, barking viciously. It looked and sounded like an attack was imminent. I screamed "NO!" at the dog several times in an attempt to stop it. The dog's owner screamed at me to not yell at her dog. She called it, and it did return to her. At no time did she apologize. My heart was in my mouth because on Nov. 16, my other greyhound had been viciously attacked by a loose dog in Langdon Park, while my dogs were leashed and walking on the sidewalk.

Basically, I'm fed up with trying to walk in my own neighborhood and feeling that I always must be on high alert for dogs in leash-free areas who may, or may not, come charging out at me and my dogs.

If I wanted to walk peacefully through Strawberry Banke (which I used to enjoy doing before it became a dog park) with my own leashed dogs, I would not feel at all safe doing so. I understand people love to let their dogs 'play' and exercise while they (the dog owners) stand around talking or looking at their cell phones, but I believe my right to walk safely on a sidewalk with leashed dogs supersedes their desire for 'freedom.'

I do hope you will revisit the wisdom of having your museum double as a dog park.

Sincerely,

Karen Johnson
455 South St.
Portsmouth, NH
(603) 436-8742

cc: Portsmouth City Council