

CITY COUNCIL MEETING

Remote Meeting Via Zoom Conference Call

To register in advance for this meeting, click on the link below or copy and paste it into your web browser:

https://zoom.us/webinar/register/WN_aXyUc7bUTSnnLyaT5nTUDA

You are required to register in advance to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Please note, this meeting will also be broadcast on the City's YouTube Channel. Public comments for the Council's consideration can be emailed in advance via the City's web site: <https://www.cityofportsmouth.com/citycouncil/contact-all-city-councilors>.

Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-20, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

DATE: MONDAY, DECEMBER 7, 2020

TIME: 7:00PM

AGENDA

- I. **WORK SESSION – THERE IS NO WORK SESSION THIS EVENING**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] - POSTPONED**
- III. **CALL TO ORDER [7:00 p.m. or thereafter]**
- IV. **ROLL CALL**
- V. **INVOCATION**
- VI. **PLEDGE OF ALLEGIANCE**
- VII. **ACCEPTANCE OF MINUTES** (*There are no minutes on for acceptance this evening*)
- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
- IX. **PUBLIC COMMENT SESSION – (Via Zoom)**
- X. **PUBLIC DIALOGUE SUMMARY [when applicable] - POSTPONED**
- XI. **PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**

First Reading of Ordinances:

- A. First Reading of Ordinance amending Chapter 10, Article 6 – Overlay Districts – Flood Plain Overlay District Zoning Maps
- B. Public Hearing and Second Reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Chase Drive: northerly side, from Michael Succi Drive to a point 30 feet on either side west of the driveway located at 355 Chase Drive

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

- C. Public Hearing and Second Reading of Ordinance amending Chapter 3, Article IX – Distribution of Single-Use Disposables on City Property – Effective Date: This Ordinance shall take effect on December 31, 2022

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

(Sample motions – move that the City Council advise the City Manager of its preference that due to the exigent circumstances created by the COVID-19 pandemic, until December 31, 2021 City enforcement activities in connection with the distribution of single use disposables either on City property or on a citywide basis (see Chapter 3, Article IX) be limited to the issuance of written warnings by the City to those persons or entities found to be in violation; and move to pass second reading as amended and hold third and final reading at the December 21, 2020 City Council meeting)

- D. Public Hearing and Second Reading of Ordinance amending Chapter 3, Article X – Distribution of Single-Use Disposables – Citywide – Effective Date: This Ordinance shall take effect on December 31, 2022

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

(Sample motion – move that the City Council advise the City Manager of its preference that due to the exigent circumstances created by the COVID-19 pandemic, until December 31, 2021 City enforcement activities in connection with the distribution of single use disposables either on City property or on a citywide basis (see Chapter 3, Article IX) be limited to the issuance of written warnings by the City to those persons or entities found to be in violation; and move to pass second reading as amended and hold third and final reading at the December 21, 2020 City Council meeting)

- E. Public Hearing and Second Reading of Ordinance amending Chapter 3, Article XI – Face Coverings – Effective Date: This ordinance shall take effect immediately and shall terminate on vote of the City Council to that effect

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

F. Public Hearing and Adoption of Resolution Authorizing a Bond Issue, and/or Notes of up to Four Hundred Thousand (\$400,000.00) Dollars for Costs related to the Upgrade of the Police Facility

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

G. Public Hearing and Adoption of Resolution Authorizing a Bond Issue, and/or Notes of up to One Million Dollars (\$1,000,000.00) for Costs related to School Facilities Improvements

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

H. Public Hearing and Adoption of Resolution Authorizing a Bond Issue, and/or Notes of up to Three Million Six Hundred Forty Thousand Dollars (\$3,640,000.00) for costs related to Outdoor Pool Upgrades and City Street and Sidewalk Upgrades

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

I. Public Hearing and Adoption of Resolution Authorizing a Bond Issue, and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Three Million Six Hundred Thousand Dollars (\$3,600,000.00) related to Water Line Upgrades, New Ground Water Source, Water Transmission Main Replace and Water Storage Tanks Painting

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

J. Public Hearing and Adoption of Resolution Authorizing a Bond Issue, and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Five Million Two Hundred Fifty Thousand Dollars (\$5,250,000.00) for Costs related to Sewer Force Main Improvements and Sewer line Upgrades

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

- K. Second reading of Ordinance amending Chapter 11, Article II – Sewers, Section 11.203 and Section 11.204 – Waiver from Connection to Public Sewer (*Postponed Second Reading at the November 16, 2020 City Council meeting*) (**Sample motion – move to amend the current draft by adding after the first sentence in Section 11.204 (E) the following new sentence: The City Engineer may extent the period to connect from ninety (90) days to no more than one hundred and fifty (150) days for winter conditions or other good cause**)
- L. Third and Final Reading of Ordinance amending Chapter 7, Article IVA, Section 7-A.402 – BUS STOPS DESIGNATED – D. Hanover Street: southerly side of Hanover Street ~~90 feet east of~~ from Fleet Street to a point 285 feet east of Fleet Street
- M. Third and Final Reading of Ordinance amending Chapter 7, Article XI, Section 7.1100 – Speed Limits, E: Speed Limit: 25 MPH by the addition of South Street, from Middle Road to Lafayette Road
- N. Third and Final Reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – A: Unless otherwise designated by ordinance, parking shall be prohibited at all times in the following described streets and locations: Dearborn Street:
 - a. westerly side from Maplewood Avenue to the easterly end of Dearborn Lane (entire westerly side)
 - b. easterly side, from the North Mill Pond running northerly for a distance of 25 feet

XII. MAYOR BECKSTED

- 1. Appointments to be Considered:
 - Appointment of David MacDonald as a regular member to the Zoning Board of Adjustment
 - Appointment of Corey Clark as a regular member of the Planning Board
 - Appointment of Peter Harris as a regular member to the Planning Board
 - Appointment of Rick Chellman as a regular member to the Planning Board
- 2. *Appointments to be Voted:
 - Reappointment of Peter Weeks to the Trustees of the Trust Funds
 - Reappointment of Philip Cohen to the Economic Development Commission
 - Appointment of Devan Quinn to the Peirce Island Committee
 - Appointment of Andrew Samonas to the Conservation Commission
- 3. *Governor’s Council on Housing Stability

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

- 1. *Request for Update on Availability of Winter Portsmouth Warming Centers

B. COUNCILOR McEACHERN

- 1. *Extend Citizen Response Taskforce to June 30, 2021 with input from Council and consideration of Citizen Response Task Force recommendations

C. COUNCILOR WHELAN

1. Action Item Needing Approval by City Council:
 - Request for 30 minute spaces on Court Street near Fleet Street, by Portsmouth Housing Authority (PHA) (***Sample motion – move to temporarily designate two spaces as 30 minute parking and one space as handicapped parking in front of the Feaster Apartments during construction, which should be complete in April 2022***)
2. Parking Traffic & Safety Action Sheet and Minutes of the November 5, 2020 meeting (***Sample motion – move to accept and approve the Parking Traffic & Safety Action Sheet and Minutes of the November 5, 2020***)

D. COUNCILOR KENNEDY & COUNCILOR HUDA

1. *Reports & Year End Status Updates
 - Report Back on the Date Availability for the Final FY20 Actual Detail
 - Report Back on FY21 CIP Including the Following:
 - November 2020 & 6 Months Ended December 2020 CIP Balances to Include:
 - FY21 CIP Distribution by Line Item Amount
 - Year to Date Spend
 - Year to Date Encumbered
 - Remaining Balance
 - Report Back on the Status of the Middle Street Bike Lane Study (Expected Delivery Date of Report)
 - Report Back on the current Status of Public Art on City Property
 - Report on the Services and/or Projects Completed by the former City Manager-John Bohenko over the 12 Month Period Ending December 31st Per the Agreed Upon Consultant Contract and Verify Contract End Date
 - A 6 Month Update Report on the Status of CARES Act Funding to Include:
 - A Guide to the Taxpayers & Council on CARES Act Funds in the Monthly & Year-to-Date Reports
 - Total Amounts Submitted/Received for Reimbursement
 - Current Balance at December 1st by Funding Source
 - Update on any other COVID related Funds that are Available to the City from the State of New Hampshire
 - Status of the Boyle Case
 - What is the Current Status of the Sagamore Creek Project
 - Please provide for Review – The Contracts of the Auditors and all Legal Contracts or Retainers currently on file

XIV. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of New Hampshire Highway Safety Grant for dedicated patrol enforcement operations - \$17,641.00 (***Sample motion – move to approve and accept the New Hampshire Highway Safety Grant to the Portsmouth Police Department as presented***)

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

(There are no items on under this Section of the Agenda this evening)

XVI. CONSENT AGENDA

- A. Request for License to Install a Projecting Sign for owner Sandra Cole for Backstreet Barbers LLC d/b/a/ The Clip Joint Barbers for property located at 10 Ladd Street ***(Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director's Stipulations

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

- B. Letter from Jennie Halstead, My Breast Cancer Support, requesting permission to hold the 13th Annual Celebrate Pink 5k Walk & Run on Sunday, September 19, 2021 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. *Presentation by Health Officer Kim McNamara regarding COVID-19 Update
- B. Presentation by Portsmouth Citizens Response Task Force on the future of the Task Force
- C. Letter from Attorney Bernard Pelech, Bosen & Associates, PLLC, on behalf of property owners at 138 Leavitt Avenue, requesting the Restoration of Involuntarily Merged Lots fronting Peverly Hill Road and Lots which front on Leavitt Avenue ***(Sample motion – move to refer to the Planning Board and Assessor for report back to the City Council)***
- D. Email Correspondence ***(Sample motion – move to accept and place on file)***

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

1. *Report Back on Police Department HVAC Improvements

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

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

** Indicates verbal report*

**Proposed Zoning Ordinance Amendments
Flood Plain District**

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 — Zoning Ordinance, Article 6 – Overlay Districts, be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A. In Section 10.613.10 (a), update the study and map reference dates by deleting ~~May 17, 2005~~ and adding **January 29, 2021**.

B. In Section 10.622.20 – Terms Defined for the Flood Plain District, revise the definition of New Construction as follows:

New construction

A structure for which the start of construction commenced on or after the effective date of this flood plain management regulation and includes any subsequent improvements to such structure. ~~A structure for which the start of construction commenced on or after the January 1, 2020 and includes any subsequent improvements to such structure.~~

G. In Section 10.628 – Construction Standards in Special Flood Hazard Areas amend paragraph 10.628.10 as follows:

10.628.10 In Zones A and AE, any new construction or substantial improvement shall **be reasonably safe from flooding and:**



Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
115-I

July 29, 2020

The Honorable Rick Becksted
Mayor, City of Portsmouth
City of Portsmouth
City Hall
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Community: City of Portsmouth,
Rockingham County,
New Hampshire
Community No.: 330139
Map Panels Affected: See FIRM Index

Dear Mayor Becksted:

On August 19, 2014, you were notified of proposed modified flood hazard determinations affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Rockingham County, New Hampshire (All Jurisdictions). The statutory 90-day appeal period that was initiated on September 2, 2014, when the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of the proposed flood hazard determinations for your community in the *Portsmouth Herald* and *Foster's Daily Democrat*, has elapsed.

FEMA received no valid requests for changes in the proposed flood hazard determinations. Therefore, the determination of the Agency as to the flood hazard information for your community is considered final. FEMA will publish a notice of final flood hazard determinations in the *Federal Register* as soon as possible. The modified flood hazard information and revised map panels for your community will be effective as of January 29, 2021, and will revise the FIRM that was in effect prior to that date. For insurance rating purposes, the community number and new suffix code for the panels being revised are indicated above and on the maps and must be used for all new policies and renewals. Final printed copies of the report and maps will be mailed to you before the effective date.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Because of the modifications to the FIRM and FIS report for your community made by this map revision, certain additional requirements must be met under Section 1361 of the 1968 Act, as amended, within 6 months from the date of this letter. Prior to January 29, 2021, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(c) of the NFIP regulations. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraph 60.3(c) of the NFIP regulations must be enacted in a legally enforceable document. This includes the adoption of the effective FIRM and FIS report to which the regulations apply and the modifications made by this map revision. Some of the standards should already have been enacted by your community. Any additional requirements can be met by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(c);

2. Adopting all the standards of Paragraph 60.3(c) into one new, comprehensive set of regulations;
or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(c).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the 1973 Act as amended.

A Consultation Coordination Officer (CCO) has been designated to assist your community with any difficulties you may be encountering in enacting the floodplain management regulations. The CCO will be the primary liaison between your community and FEMA. For information about your CCO, please contact:

Kerry Bogdan
Chief, Risk Analysis Branch
Federal Emergency Management Agency
99 High Street, 6th Floor
Boston, Massachusetts 02110
(617) 956-7576

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions (SOMA) to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment [LOMAs], Letters of Map Revision [LOMRs]) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the Special Flood Hazard Area as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our FEMA Mapping and Insurance eXchange (FMIX), toll free, at 1-877 FEMA MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If you have any questions regarding the necessary floodplain management measures for your community or the NFIP in general, we urge you to call the Director, Mitigation Division of FEMA in Boston, Massachusetts at (617) 956-7506 for assistance. If you have any questions concerning mapping issues in general or the enclosed SOMA, please call our FMIX at the toll free number shown above. If you have any questions concerning mapping issues in general, please call our FMIX at the toll free number shown above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the National Flood Insurance Program*, *Frequently Asked Questions Regarding the Effects that Revised Flood Hazards have on Existing Structures*, *Use of Flood Insurance Study (FIS) Data as Available Data*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <https://www.floodmaps.fema.gov/lfd>. Paper copies of these documents may also be obtained by calling our FMIX.

Sincerely,



Luis Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

Enclosure:

Final SOMA

cc: Community Map Repository
Robert Marsilia, Building Inspector, City of Portsmouth
Juliet Walker, Planning Director, City of Portsmouth
Karen S. Conrad, City Manager, City of Portsmouth
Peter Britz, Environmental Planner, City of Portsmouth
Kerry Bogdan, Chief, Risk Analysis Branch, FEMA Region I
Alex Sirotek, Regional Service Center, Compass Region I
Jennifer Gilbert, ANFI, CFM, NFIP State Coordinator, New Hampshire Office of Strategic Initiatives

Juliet T.H. Walker

From: Gilbert, Jennifer <jennifer.r.gilbert@osi.nh.gov>
Sent: Friday, September 25, 2020 8:38 AM
To: Juliet T.H. Walker; Peter L. Britz; Karen Conard
Cc: Robert T. Marsilia
Subject: Portsmouth FEMA Map Adoption and Ordinance Amendments Request
Attachments: Portsmouth Floodplain Ordinance Amendments.docx; Portsmouth Subdivision and Site Plan Review Regulations.docx

Dear City of Portsmouth Officials,

I am following up on our past emails regarding the new Rockingham County FEMA Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS) that will become **effective on January 29, 2021**. The new FIRMs and FIS are available now through FEMA's Map Service Center (msc.fema.gov) under the Pending Products section. FEMA will also be sending you a hard copy set closer to the effective date.

It is very important for your municipality to review, understand, and implement the below required tasks to remain in good standing in FEMA's National Flood Insurance Program (NFIP). As the NFIP Coordinating Office for New Hampshire, the Floodplain Management Program staff at the NH Office of Strategic Initiatives (NHOSI) is available to assist your municipality and answer questions regarding this process and the new FIRMS and FIS.

As part of the FEMA's mapping process, all NFIP communities must have compliant floodplain regulations and must adopt the new FIRMs and FIS prior to them becoming effective. I have detailed below what your municipality must do to have compliant regulations and what must be done to adopt the new FIRMs and FIS **no later than two weeks before January 29, 2021**. Once NHOSI staff receives the municipality's required documentation, we will review and submit it to FEMA for their review and approval.

City Council Amendments including Map Adoption Needed to Floodplain Ordinance

I have attached the amendments that are requested to be made to the floodplain regulations in the municipality's zoning ordinance, which includes adoption of the new FIRMs and FIS. These amendments must be completed and submitted **no later than two weeks before January 29, 2021**.

- Following adoption, please submit as soon as possible a certified copy of the amended floodplain ordinance to my attention.

Planning Board Amendments to Subdivision and Site Plan Review Regulations

- I have attached the amendments that are being requested for the Planning Board to adopt in the municipality's site plan review regulations to be compliant and suggested changes to the subdivision regulations.
- Please adopt and revise these regulations and send a certified copy of the applicable sections of these regulations to my attention **no later than two weeks before January 29, 2021**.

Please let me know by email (jennifer.gilbert@osi.nh.gov) or phone (603-271-1762) if you have any questions or need any assistance. I will be checking in periodically to check on your community's progress in meeting these deadlines.

Upcoming Webinar Series

- As a reminder, NHOSI will be holding the first webinar of a four-part series for community officials **next Tuesday, September 29, 2020 from 10 to 11:30 am** called *Flood Maps are Changing: What That Means for your Community*. Your community was contacted by Samara Ebinger of my office via email on September 9th with details about the series.

- During the first webinar, we will be discussing the map adoption process I outline above, and other topics related to the changing maps.

Sincerely,

Jennifer

Jennifer Gilbert

Senior Planner | Floodplain Management Program Coordinator
New Hampshire Office of Strategic Initiatives (OSI) – Division of Planning
107 Pleasant Street, Johnson Hall, 3rd Floor, Concord, NH 03301
Main - 603-271-2155 | Direct - 603-271-1762 | jennifer.gilbert@osi.nh.gov
www.nh.gov/osi/planning/

Amendments needed to Portsmouth’s Floodplain Management Regulations

10.613 Overlay District Locations

10.613.10 The Flood Plain District (FP) consists of:

(a) all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its “Flood Insurance Study for the County of Rockingham County, NH” dated January 29, 2021 May 17, 2005 or as amended, together with associated Flood Insurance Rate Maps (FIRM) dated January 29, 2021 May 17, 2005 or as amended, which are declared to be part of this Ordinance and are hereby incorporated by reference; and

10.622.20 Terms Defined for the Flood Plain District

New construction

~~A structure for which the start of construction commenced on or after the January 1, 2020 and includes any subsequent improvements to such structure.~~

A structure for which the start of construction commenced on or after the effective date of this flood plain management regulation and includes any subsequent improvements to such structure. Improvements and repairs of these structures, regardless of the nature or value of the work, must not be allowed to alter any aspect that was originally required for compliance with the floodplain management requirements.

Commented [GJ1]: The first sentence of this definition is what is required to be included in the ordinance. The second sentence adds additional clarity to the subsequent improvements reference. Please let me know if this second sentence helps address the City’s original concerns.

10.628 Construction Standards in Special Flood Hazard Areas and Extended Flood Hazard Areas

10.628.10 In Zones A and AE, any new construction or substantial improvement shall be reasonably safe from flooding and:

(a) be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

**FLOODPLAIN NOTICE
PORTSMOUTH PLANNING DEPARTMENT
PORTSMOUTH, NEW HAMPSHIRE**

FLOODPLAIN PROPERTY OWNER:

«Owner_Name»

«Owner_Name_2»

«Owner_Address»

«City», «State» «Zip»

NOTICE IS HEREBY GIVEN that the Planning Board and City Council will be holding public hearings on zoning amendments related to the adoption of the updated Federal Emergency Management Agency (FEMA) flood maps, which become effective on January 29, 2021. As the owner of property that is either entirely or partially within the City's Floodplain District, you are hereby notified that these amendments will apply to properties located in the Floodplain District and are required by FEMA to keep the City in compliance with the National Flood Insurance Program. This program requires that the City maintain an up-to-date floodplain ordinance to ensure that federal flood insurance policy holders are covered in the event of a flood.

The **Planning Board public hearing** on the Zoning Amendments is scheduled for **November 19, 2020**, starting at **7:00pm** via Zoom Conference Call. The City Council public hearing is tentatively scheduled for December 7, 2020, but will be confirmed in November. Due to the current state of emergency related to COVID-19, the public hearings will be available via the Zoom platform. Provisions will be available for members of the public to participate in the meeting by telephone and/or video conference. You are required to register to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Registration information will be provided on the meeting agenda when it is posted to the meeting web page <https://www.cityofportsmouth.com/planportsmouth/events/planning-board-meeting-37>. For technical assistance, please contact the Planning Department by email (planning@cityofportsmouth.com) or phone (603) 610-7216.

The proposed Zoning Ordinance amendments required by FEMA are summarized below. The City's entire Zoning Ordinance can be viewed online at www.cityofportsmouth.com/planportsmouth/land-use-and-zoning-regulations#zoning. Refer to Section 10.620 Floodplain District.

- A. In Section 10.613.10 (a), update the study and map reference dates by deleting May 17, 2005 and adding January 29, 2021.
- B. In Section 10.622.20 – “Terms Defined for the Flood Plain District”, delete the current definition of New Construction and update as follows:

New construction

A structure for which the start of construction commenced on or after the effective date of this flood plain management regulation and includes any subsequent improvements to such structure.

- C. In Section 10.628 – Construction Standards in Special Flood Hazard Areas amend paragraph 10.628.10 as follows by adding the text shown in italics below:

10.628.10 In Zones A and AE, any new construction or substantial improvement *shall be reasonably safe from flooding...*

Additional information related to the FEMA flood maps.

The FEMA flood maps are updated periodically to show a more accurate picture of flood risk. The maps, based on new flood hazard analyses and better topographic data, are important tools that can help protect lives and properties in our community.

If you are receiving this notice, your property *may* be located in a high-risk flood zone (i.e., a flood zone that starts with the letter “A”) on the new maps. We recommend that you review the pending maps to confirm if any insurable building(s) for your property are located in one of these zones using the NH Flood Hazards Viewer (<http://bit.ly/368IBfJ>).

If you have a Federally-backed mortgage or loan and your home or business (or other insurable building) is within the high-risk flood zone, then by Federal law, your lender must require you to carry flood insurance when the new maps become effective. Your lender will officially make the determination of your property’s flood insurance requirement.

There may be cost-saving options available for insurance, some of which may need to be in place before the maps become effective. We highly encourage you to contact your insurance agent at your earliest convenience to learn about your flood insurance options. Be advised that most standard homeowner’s insurance policies do not include coverage for damage due to flooding.

Even if you do not have a mortgage, or if you are a renter, the purchase of flood insurance is still highly recommended. Keep in mind that just 1 inch of floodwater in a home can cause as much as \$25,000 in damage. Visit www.floodsmart.gov to learn more.

If a Letter of Map Amendment (LOMA) was previously issued for your property that removed it from a high-risk flood zone, it may or may not be valid after January 29, 2021. FEMA has re-evaluated each LOMA in the area to determine if it will remain in effect. Property owners with LOMAs are highly encouraged to read FEMA’s fact sheet about this process (<https://rb.gy/v56bl0>) for other important information. Additional information about the Portsmouth map amendments is also available on the City’s web page -- <https://www.cityofportsmouth.com/planportsmouth/floodplain-regulations>.

For general questions about FEMA flood maps, flood insurance, and LOMA revalidation, please contact the FEMA Mapping and Insurance eXchange helpline at 1-877-336-2627 or by e-mail at FEMAMapSpecialist@riskmapcds.com. For questions about flood insurance and specific options available for your property, please contact your local insurance agent.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 7, 2020 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Chase Drive: northerly side, from Michael Succi Drive to a point 30 feet ~~on either side~~ west of the driveway located at 355 Chase Drive. Due to the current State of Emergency related to COVID-19, the public hearing on December 7, 2020 will be conducted remotely via zoom conference call. Details regarding how to access the zoom meeting will be published on the Agenda.

**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, December 7, 2020 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Chase Drive: northerly side, from Michael Succi Drive to a point 30 feet ~~on either side~~ west of the driveway located at 355 Chase Drive. Due to the current State of Emergency related to COVID-19, the public hearing on December 7, 2020 will be conducted remotely via zoom conference call. Details regarding how to access the zoom meeting will be published on the Agenda.

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

PM-0008887

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article III, Section 7.330 - **NO PARKING** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**, remaining language unchanged from existing):

Article III: TRAFFIC ORDINANCE

Section 7.330: NO PARKING

A. Unless otherwise designated by ordinance, parking shall be prohibited at all times in the following described streets and locations:

18. Chase Drive: : **northerly side, from Michael Succi Drive to a point 30 feet ~~on either side west~~** of the driveway located at 355 Chase Drive.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Rick Becksted, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

CUTTS AVE

BRIGHAM LN

Section 7.330: NO PARKING

18. Chase Drive:
northerly side, from Michael Succi Drive to a point 30 feet
~~on either side~~ west of the driveway located at 355 Chase Drive.

CHASE DR

MICHAEL SUCCI DR

MARKET ST

MARKET ST

**No Parking
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 2 June 2020
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2020



LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 7, 2020 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 3, Article IX – Distribution of Single-Use Disposables on City Property - Effective Date: This ordinance shall take effect on December 31, 2022. Due to the current State of Emergency related to COVID-19, the public hearing on December 7, 2020 will be conducted remotely via zoom conference call. Details regarding how to access the zoom meeting will be published on the Agenda.

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, December 7, 2020 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 3, Article IX – Distribution of Single-Use Disposables on City Property - Effective Date: This ordinance shall take effect on December 31, 2022. Due to the current State of Emergency related to COVID-19, the public hearing on December 7, 2020 will be conducted remotely via zoom conference call. Details regarding how to access the zoom meeting will be published on the Agenda.
KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

714-0000530

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 3, Article IX, **EFFECTIVE DATE** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE IX: DISTRIBUTION OF SINGLE-USE DISPOSABLES ON CITY PROPERTY

EFFECTIVE DATE:

This ordinance shall take effect on ~~December 31, 2020~~ December 31, 2022.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Mayor Rick Becksted

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE # 12-2019

THE CITY OF PORTSMOUTH ORDAINS:

That the ordinances of the City of Portsmouth are hereby amended, by the addition of a new section entitled Chapter 3, Article IX, Section 3.901 – **DISTRIBUTION OF SINGLE-USE DISPOSABLES ON CITY PROPERTY** which shall read in pertinent part as follows:

CHAPTER 3

PUBLIC HEALTH

ARTICLE IX: DISTRIBUTION OF SINGLE-USE DISPOSABLES ON CITY PROPERTY

3.901: PURPOSE

The City of Portsmouth recognizes that limiting the distribution of single-use disposables through source reduction is necessary to protect human health, to preserve the natural environment, and to conserve precious and dwindling natural resources through the proper and integrated management of solid waste.

3.902: DEFINITIONS

For the purpose of this Section, the following definitions apply:

Composting Facility: any solid waste compost facility certified to properly perform that function by the Director of Public Works of the City of Portsmouth.

Cost Pass-Through: the cost which must be collected by retailers from their Customers when providing a Single-Use Carryout Bag or a Single-Use Cup.

Customer: any Person obtaining goods from a Store.

Food Service Establishment: any restaurant, take-out food establishment, or any other business that is required to obtain a valid food service license from the Public Health Department of the City of Portsmouth. Food Service Establishments do not include Nonprofit Food Establishments.

Medical Facility: a business or nonprofit that has a primary purpose of providing medical services.

Nonprofit Charitable Reuser: a charitable organization or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than fifty percent (50%) of its revenues from the handling and sale of those donated goods or materials. To be considered a Nonprofit Charitable Reuser, the entity must meet the terms of section 501(c)(3) of the U.S. Internal Revenue Code (26 U.S.C. 501(c)(3)).

Nonprofit Food Establishment: a charitable entity that prepares or serves food directly to the Customer or otherwise provides food or meals for consumption by humans. The term includes central food banks, soup kitchens, and nonprofit food delivery services. To be considered a Nonprofit Food Establishment, the entity must meet the terms of section 501(c)(3) of the U.S. Internal Revenue Code (26 U.S.C. 501(c)(3)).

Operator: the person in control of, or having the responsibility for, the operation of a Store, which may include, but not be limited to, the owner of the Store.

Person: any natural person, firm, corporation, partnership, or other organization or group however organized.

Pharmacy: any Store where prescriptions, medications, controlled or over the counter drugs, personal care products or health supplement goods, or vitamins are sold.

Prepared Food: foods or beverages which are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. Prepared Food does not include any raw, uncooked meat product or fruits or vegetables which are chopped, squeezed, or mixed.

Produce Bag: any bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items. A Produce Bag is not a form of Single-Use Plastic Bag.

Retail Establishment: any commercial establishment that sells perishable and nonperishable goods including but not limited to, clothing, food, and personal items directly to the Customer and is located within or doing business within the City. Retail Establishments do not include Food Service Establishments, Nonprofit Charitable Reusers, or Pharmacies.

Reusable Plastic Bag: a sewn woven or non-woven nylon, polypropylene, polyethylene-terephthalata, or Tyvek bag capable of being used one hundred (100) times, is machine washable, and has stitched or woven handles that are not fused. A Reusable Plastic Bag is a form of Reusable Bag.

Reusable Bag: a bag capable of being used one hundred (100) times, is machine washable, and has stitched or woven handles that are not fused. Usable Bags include Reusable Plastic Bags.

Single-Use Carryout Bag: a bag made of plastic, paper, or other material that is provided by a Store to a Customer at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the Store. Single-Use Carryout Bags include Single-Use Plastic Bags and Single-Use Recycled Paper Bags. Single-Use Carryout Bags do not include Produce bags, Reusable Bags, or bags without handles provided to the Customer to hold prescription medication dispensed from a Pharmacy.

Single-Use Compostable Plastic Container: a container that is composed of one hundred percent (100%) Polylactic Acid and distributed for the purpose of transporting Prepared Food on a single occasion inside or outside of a Store. A Single-Use Compostable Plastic Container is a form of a Single-Use Plastic Container.

Single-Use Compostable Plastic Cup: a cup composed of one hundred percent (100%) Polylactic Acid and is distributed for the purpose of transporting a beverage on a single occasion inside or outside of a Store. A Single-Use Compostable Plastic Cup is a form of a Single-Use Plastic Cup.

Single-Use Compostable Plastic Straw: a disposable tube that is composed of one hundred percent (100%) Polylactic Acid and is distributed to transfer a beverage from a cup or container to the mouth of a person drinking the beverage on a single occasion. A Single-Use Compostable Plastic Straw is a form of a Single-Use Plastic Straw.

Single-Use Container: a container that is distributed for the purpose of transporting Prepared Food on a single occasion inside or outside of a Store.

Single-Use Cup: a cup that is distributed for the purpose of transporting a beverage on a single occasion inside or outside of a Store.

Single-Use Plastic Bag: a bag that is made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, and is provided at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the Store. A Single-Use Plastic Bag is a form of a Single-Use Carryout Bag.

Single-Use Plastic Container: a container that is made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, and is distributed for the purpose of transporting Prepared Food on a single occasion inside or outside of a Store. A Single-Use Plastic Container is a form of a Single-Use Container.

Single-Use Plastic Cup: a cup that is made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, and is distributed for the purpose of transporting a beverage on a single occasion inside or outside of a Store. A Single-Use Plastic Cup is a form of a Single-Use Cup.

Single-Use Polystyrene Container: a container composed of synthetic aromatic hydrocarbon polymers that is made from the monomer styrene and distributed for the purpose of transporting Prepared Food on a single occasion inside or outside of a Store. A Single-Use Polystyrene Container is a form of a Single-Use Container.

Single-Use Polystyrene Cup: a cup composed of synthetic aromatic hydrocarbon polymers that is made from the monomer styrene and distributed for the purpose of transporting a beverage on a single occasion inside or outside of a Store. A Single-Use Polystyrene Cup is a form of a Single-Use Cup.

Single-Use Plastic Straw: a disposable tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, that is distributed to transfer a beverage from a cup or container to the mouth of a person drinking the beverage. A Single-Use Plastic Straw is a form of a Single-Use Straw.

Single-Use Recycled Paper Bag: a paper bag provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment that contains no old growth fiber and a minimum of forty percent (40%) post-consumer recycled content; is one hundred percent (100%) recyclable; and has printed in a highly visible manner on the outside of the bag the word "Recyclable," the name and location of the manufacturer, and the percentage of post-consumer recycled content. The Single-Use Recycled Paper Bag is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Material (ASTM) Standard Specification for Compostable Plastics D6400, as published in September 2004. A Single-Use Recycled Paper Bag is a form of a Single-Use Carryout Bag.

Single-Use Straw: a disposable tube that is distributed to transfer a beverage from a cup or container to the mouth of a person drinking the beverage on a single occasion. Single-Use Straws include a straw made from both plastic materials and non-plastic materials such as paper, pasta, sugar cane, wood, or bamboo.

Store: any Food Service Establishment, Pharmacy, or Retail Establishment located within the City. Stores do not include Medical Facilities.

3.903 CARRYOUT BAGS

A. Prohibited Carryout Bags:

1. No Store on City property shall provide a Single-Use Carryout Bag to a Customer, at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the Store except as provided in this Section.
2. No Person shall distribute a Single-Use Carryout Bag at any City facility, City-managed concession, City-sponsored event, or City-permitted event unless a Store on City property is also otherwise allowed to in this Section.

B. Permitted Carryout Bags:

1. Stores on City property are allowed to distribute Single-Use Carryout Bags or Reusable Bags to Customers subject to the terms of this Section.
2. All Stores may distribute their remaining 2020 Single-Use Plastic Bag inventory.
3. Nothing in this Section prohibits Customers from using bags of any type that they bring to the Store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the Store.

C. Exemptions:

1. Stores on City property are allowed to distribute only Single-Use Recycled Paper Bags or Reusable Bags to Customers for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this Section.
2. Food Service Establishments on City property are allowed to distribute Single-Use Plastic Bags to Customers only for the purpose of safeguarding health and safety during the transportation of Prepared Foods, including take-out foods and liquids intended for consumption away from the food provider's premises, subject to the terms of this Section.
3. A Customer shall be charged a minimum of ten cents (\$.10) Cost Pass-Through for each Single-Use Carryout Bag provided by the Store on City property. The sale of each bag shall be separately itemized on the sale receipt. The Cost Pass-Through will remain with the Operator of the Store.
4. A Store on City property may provide a Customer participating in *Special Supplement Nutrition Program for Women, Infants, and Children (WIC)* or *Supplemental Nutrition Assistance Program (SNAP)* with one (1) or more Single-Use Carryout Bag or Reusable Bag at no cost.
5. A Store on City property may provide a Customer with (1) Single-Use Recycled Paper Bag 6 inches across or less without handles at no cost.

3.904 DISPOSABLE CUPS

A. Prohibited Disposable Cups:

1. No Store on City property shall provide a Single-Use Plastic Cup to a Customer, at the check stand, cash register, point of sale, or any other location for the purpose of transporting a beverage that will be drank inside or outside of the Store except as provided in this Section.
2. No Store shall provide a Single-Use Polystyrene Cup to a Customer at the check stand, cash register, point of sale, or any other location for the purpose of transporting a beverage that will be drank inside or outside of the Store.

3. No Person shall distribute a Single-Use Plastic Cup or Single-Use Polystyrene Cup at any City facility, City-managed concession, City-sponsored event, or City-permitted event unless a Store on City property is also otherwise allowed to in this Section.

B. Permitted Disposable Cups:

1. Stores on City property are allowed to distribute Single-Use Cups to Customers for the purpose of transporting a beverage that will be drank inside or outside of the Store, subject to the terms of this Section.

2. A Customer shall be charged a minimum of a ten cents (\$.10) Cost Pass-Through for each Single-Use Cup provided by the Store on City property. The sale of each Single-Use Cup shall be separately itemized on the sale receipt. The Cost Pass-Through will remain with the Operator of the Store.

3. All Stores may distribute their remaining 2020 Single-Use Cup inventory.

4. Nothing in this Section prohibits Customers from using cups of any type that they would otherwise be allowed to bring to the Store themselves under the Ordinances of the City of Portsmouth in lieu of using cups provided by the Store.

C. Exemptions:

1. The only Single-Use Plastic Cups that Stores on City property are allowed to distribute are Single-Use Plastic Compostable Cups if the Store on City property provides customers the option to dispose of the Single-Use Compostable Plastic Cups in a specifically designated composting receptacle that is both on the premise and its contents will be transported to a Composting Facility to be composted.

2. A Store may provide a Customer participating in the Special Supplement Nutrition Program for Women, Infants, and Children (WIC) or the Supplemental Nutrition Assistance Program (SNAP) with one (1) or more Single-Use Cup at no cost.

3.905 DISPOSABLE CONTAINERS

A. Prohibited Disposable Containers:

1. No Store on City property shall provide a Single-Use Plastic Container to a Customer, at the check stand, cash register, point of sale, or any other location for the purpose of transporting Prepared Food that will be consumed inside or outside of the Store except as provided in this Section.

2. No Store shall provide a Single-Use Polystyrene Container at the check stand, cash register, point of sale, or any other location for the purpose of transporting Prepared Food that will be eaten inside or outside of the Store.

3. No Person shall distribute a Single-Use Plastic Container or a Single-Use Polystyrene Container at any City facility, City-managed concession, City-sponsored event, or City-permitted event unless a Store on City property is also otherwise allowed to in this Section.

B. Permitted Disposable Containers:

1. Stores on City property are allowed to distribute Single-Use Containers to Customers for the purpose of transporting Prepared Food that will be eaten inside or outside of the Store, subject to the terms of this Section.

2. All Stores may distribute their remaining 2020 Single-Use Container inventory.

3. Nothing in this Section prohibits Customers from using containers of any type that they would otherwise be allowed to bring under the Ordinances of the City of Portsmouth to the Store themselves in lieu of using containers provided by the Store.

C. Exemptions:

1. The only Single-Use Plastic Containers that Stores on City property are allowed to distribute are Single-Use Plastic Compostable Containers if the Store provides customers the option to dispose of the Single-Use Compostable Plastic Containers in a specifically designated composting receptacle that is both on the premise and its contents will be transported to a Composting Facility to be composted.

3.906 DISPOSABLE STRAWS

A. Prohibited Disposable Straws:

1. No Store on City property shall provide a Single-Use Plastic Straw to a customer for the purpose of transferring a beverage from a cup or container to the mouth of a person drinking the beverage on a single occasion inside or outside of the Store, except as provided in this Section.
2. No Person shall distribute a Single-Use Plastic Straw at any City facility, City-managed concession, City-sponsored event, or City-permitted event unless a Store on City property is also otherwise allowed to in this Section.

B. Permitted Disposable Straws:

1. Stores on City property are allowed to distribute Single-Use Straws to Customers for the purpose of transferring a beverage from a cup or container to the mouth of a person drinking the beverage on a single occasion inside or outside of the Store, subject to the terms of this Section.
2. All Stores may distribute their remaining 2020 Single-Use Straw inventory.
3. Nothing in this Section prohibits Customers from using straws of any type that they bring to the Store themselves in lieu of using containers provided by the Store.

C. Exemptions:

1. Stores on City property are only allowed to distribute Single-Use Straws at the explicit request of the customer for the purpose of transferring a beverage from a cup or container to the mouth of a person drinking the beverage on a single occasion inside or outside of the Store.
2. The only Single-Use Plastic Straws that Stores on City property are allowed to distribute are Single-Use Plastic Compostable Straws if the Store provides customers the option to dispose of the Single-Use Compostable Plastic Straws in a specifically designated composting receptacle that is both on the premise and its contents will be transported to a Composting Facility to be composted.

3.907 PENALTIES AND REMEDIES

In addition to any other penalty or remedy permissible by law for violation of this Section, the following shall apply:

1. If the City determines that a violation of this Section has occurred, a written warning that includes the potential penalties for future violations will be issued to the Operator.

2. Upon a second or subsequent infraction of this Section, the City is authorized to issue citations to persons, firms, or corporations violating this Section in accordance with the ordinances of the City of Portsmouth. The amount of the fee that will accompany the citation will be determined by the Fee Schedule Study Committee of the City of Portsmouth.
3. The City Attorney is authorized to file any appropriate legal proceedings, including but not limited to requests for injunctive relief, necessary to prevent violation of this Section.

SEVERABILITY

Any portion of this ordinance that is found to be void shall be unenforceable without invalidating the remainder of the ordinance.

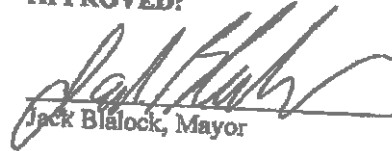
EFFECTIVE DATE

This ordinance shall take effect on December 31, 2020.

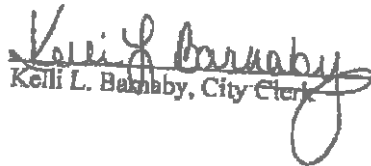
The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

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

APPROVED:


Jack Blalock, Mayor

**ADOPTED BY COUNCIL:
OCTOBER 7, 2019**


Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 7, 2020 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 3, Article X – Distribution of Single-Use Disposables – Citywide – Effective Date: This ordinance shall take effect on December 31, 2022. Due to the current State of Emergency related to COVID-19, the public hearing on December 7, 2020 will be conducted remotely via zoom conference call. Details regarding how to access the zoom meeting will be published on the Agenda.

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, December 7, 2020 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 3, Article X – Distribution of Single-Use Disposables – Citywide – Effective Date: This ordinance shall take effect on December 31, 2022. Due to the current State of Emergency related to COVID-19, the public hearing on December 7, 2020 will be conducted remotely via zoom conference call. Details regarding how to access the zoom meeting will be published on the Agenda.
KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

PM-0002841

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 3, Article X, **EFFECTIVE DATE** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE X: DISTRIBUTION OF SINGLE-USE DISPOSABLES – CITYWIDE

EFFECTIVE DATE:

This ordinance shall take effect on ~~December 31, 2020~~ December 31, 2022.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Mayor Rick Becksted

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE # 13-2019

THE CITY OF PORTSMOUTH ORDAINS:

That the ordinances of the City of Portsmouth are hereby amended, by the addition of a new section entitled Chapter 3, Article X, Section 3.1001 – **DISTRIBUTION OF SINGLE-USE DISPOSABLES -CITYWIDE** which shall read in pertinent part as follows:

CHAPTER 3

PUBLIC HEALTH

ARTICLE X: DISTRIBUTION OF SINGLE-USE DISPOSABLES - CITYWIDE

3.1001: PURPOSE

The City of Portsmouth recognizes that limiting the distribution of single-use disposables through source reduction is necessary to protect human health, to preserve the natural environment, and to conserve precious and dwindling natural resources through the proper and integrated management of solid waste.

3.1002: DEFINITIONS

For the purpose of this Section, the following definitions apply:

Customer: any Person obtaining goods from a store.

Food Service Establishment: any restaurant, take-out food establishment, or any other business that is required to obtain a valid food service license from the Public Health Department of the City of Portsmouth. Food Service Establishments do not include Nonprofit Food Establishments.

Nonprofit Food Establishment: a charitable entity that prepares or serves food directly to the Customer or otherwise provides food or meals for consumption by humans. The term includes central food banks, soup kitchens, and nonprofit food delivery services. To be considered a Nonprofit Food Establishment, the entity must meet the terms of section 501(c)(3) of the U.S. Internal Revenue Code (26 U.S.C. 501(c)(3)).

Operator: the person in control of, or having the responsibility for, the operation of a Store, which may include, but not limited to, the owner of the Store.

Person: any natural person, firm, corporation, partnership, or other organization or group however organized.

Prepared Food: foods or beverages which are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. Prepared Food does not include any raw, uncooked meat product or fruits or vegetables which are copped, squeezed, or mixed.

Retail Establishment: any commercial establishment that sells perishable and nonperishable goods including but not limited to, clothing, food, and personal items directly to the Customer and is located within or doing business within the City. Retail Establishments do not include Food Service Establishments, Nonprofit Charitable Reusers, or Pharmacies.

Single-Use Container: a container that is distributed for the purpose of transporting Prepared Food on a single occasion inside or outside of a Store.

Single-Use Cup: a cup that is distributed for the purpose of transporting a beverage on a single occasion inside or outside of a Store.

Single-Use Polystyrene Container: a container composed of synthetic aromatic hydrocarbon polymers that is made from the monomer styrene and distributed for the purpose of transporting Prepared Food on a single occasion inside or outside of a Store. A Single-Use Polystyrene Container is a form of a Single-Use Container.

Single-Use Polystyrene Cup: a cup composed of synthetic aromatic hydrocarbon polymers that is made from the monomer styrene and distributed for the purpose of transporting a beverage on a single occasion inside or outside of a Store. A Single-Use Polystyrene Cup is a form of a Single-Use Cup.

Store: any Food Service Establishment, Pharmacy, or Retail Establishment located within the City. Stores do not include Medical Facilities.

3.1003 DISPOSABLE CUPS

A. Prohibited Disposable Cups:

1. No Store shall provide a Single-Use Polystyrene Cup to a Customer at the check stand, cash register, point of sale, or any other location for the purpose of transporting a beverage that will be drank inside or outside of the store.

B. Permitted Disposable Cups:

1. Stores are allowed to distribute Single-Use Polystyrene Cups to Customers for the purpose of transporting a beverage that will be drank inside or outside of the Store, subject to the terms of this Section.
2. All Stores may distribute their remaining 2020 Single-Use Polystyrene Cup inventory.
3. Nothing in this Section prohibits Customers from using cups of any type that they would otherwise be allowed to bring to the Store themselves under the Ordinances of the City of Portsmouth in lieu of using cups provided by the Store.

3.1004 DISPOSABLE CONTAINERS

A. Prohibited Disposable Containers:

1. No Store shall provide a Single-Use Polystyrene Container at the check stand, cash register, point of sale, or any location for the purpose of transporting Prepared Food that will be eaten inside or outside of the Store.

B. Permitted Disposable Containers:

1. Stores are allowed to distribute Single-Use Polystyrene Containers to Customers for the purpose of transporting Prepared Food that will be eaten inside or outside of the Store, subject to the terms of this Section.
2. All Stores may distribute their remaining 2020 Single-Use Polystyrene Container inventory.
3. Nothing in this Section prohibits Customers from using containers of any type that they would otherwise be allowed to bring to the Store themselves under the Ordinances of the City of Portsmouth in lieu of using containers provided by the Store.

In addition to any other penalty or remedy permissible by law for violation of this Section, the following shall apply:

1. If the City determines that a violation of this Section has occurred, a written warning that includes the potential penalties for future violations will be issued to the Operator.
2. Upon a second or subsequent infraction of this Section, the City is authorized to issue citations to persons, firms, or corporations violating this Section in accordance with the ordinances of the City of Portsmouth. The amount of the fee that will accompany the citation will be determined by the Fee Schedule Study Committee of the City of Portsmouth.
3. The City Attorney is authorized to file any appropriate legal proceedings, including but not limited to requests for injunctive relief, necessary to prevent violation of this Section.

SEVERABILITY

Any portion of this ordinance that is found to be void shall be unenforceable without invalidating the remainder of the ordinance.

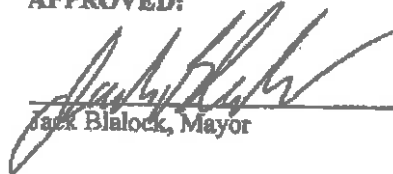
EFFECTIVE DATE

This ordinance shall take effect on December 31, 2020.

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

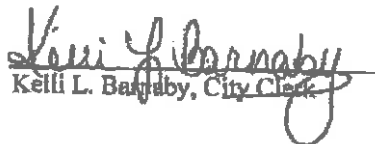
All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

APPROVED:



Jack Blalock, Mayor

ADOPTED BY COUNCIL:
OCTOBER 7, 2019



Keili L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 7, 2020 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 3, Article XI – Face Coverings During the COVID-19 Pandemic – Effective Date: This ordinance shall take effect immediately and shall terminate on vote of the City Council to that effect. Due to the current State of Emergency related to COVID-19, the public hearing on December 7, 2020 will be conducted remotely via zoom conference call. Details regarding how to access the zoom meeting will be published on the Agenda.

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, December 7, 2020 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 3, Article XI – Face Coverings During the COVID-19 Pandemic – Effective Date: This ordinance shall take effect immediately and shall terminate on vote of the City Council to that effect. Due to the current State of Emergency related to COVID-19, the public hearing on December 7, 2020 will be conducted remotely via zoom conference call. Details regarding how to access the zoom meeting will be published on the Agenda.
KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

PM-0000843

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 3, Article XI, **EFFECTIVE DATE** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE XI: FACE COVERINGS DURING THE COVID-19 PANDEMIC

EFFECTIVE DATE:

This ordinance shall take effect immediately and shall terminate on January 4, 2024 vote of the City Council to that effect.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Mayor Rick Becksted

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE#

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth are hereby amended by the addition of a new Ordinance titled **FACE COVERINGS DURING THE COVID-19 PANDEMIC:**

WHEREAS, the Nation, the State, and the City are engaged in an effort to protect the public health in light of the COVID-19 virus pandemic; and

WHEREAS, the Portsmouth City Council has issued a policy statement on Pandemic Response by Resolution adopted on July 13, 2020; and

WHEREAS, the Portsmouth City Council has determined that the wearing of face coverings during the time of the pandemic is one means of reducing the spread of COVID-19; and

WHEREAS, US Centers for Disease Control, the NH Bureau of Infectious Disease Control, and the City of Portsmouth Health Officer have determined that the wearing of face coverings during the time of the pandemic is an important means of reducing the spread of COVID-19;

NOW THEN, Portsmouth City Council hereby adopts the following ordinance regarding the wearing of face coverings in the City during the pandemic:

FACE COVERINGS DURING THE COVID-19 PANDEMIC

It is hereby adopted as a new Article XI to the Ordinances of the City, Chapter 3, PUBLIC HEALTH, a new provision which shall read as follows:

CHAPTER 3

PUBLIC HEALTH

ARTICLE XI: FACE COVERINGS DURING THE COVID-19 PANDEMIC

SECTION 3.1101: FACE COVERINGS REQUIRED

All persons are hereby required to wear face coverings whenever they are in indoor or outdoor places which are accessible to the public, in which a physical distancing of six feet (6') between people who are not members of the same household is not maintained.

SECTION 3.1102: PERMISSIBLE FACE COVERINGS

A required face covering pursuant to this ordinance shall be any product that covers the nose and mouth of the person wearing it. The face covering may be commercially manufactured or personally created.

SECTION 3.1103: EXCEPTIONS

The following persons are exempted or excepted from the requirements of this ordinance:

- A. Persons who have a medical or other condition which may pose a risk to the health of the individual wearing the face covering.
- B. Any person age six (6) or younger.
- C. Any person who is actually engaged in the act of eating or drinking at a business establishment licensed by the City of Portsmouth for that purpose.

SECTION 3.1104 PENALTY

The penalty for a person violating this provision shall be the issuance of a civil citation pursuant to Ordinance Article XIII, **MUNICIPAL ENFORCEMENT PROCEDURES**¹, except that under no circumstances shall the penalty for a violation of this ordinance exceed \$25.00.

EFFECTIVE DATE

This ordinance shall take effect immediately and shall terminate on January 4, 2021.

APPROVED

By: _____ /s/
Mayor Rick Becksted

ADOPTED BY COUNCIL:

_____/s/
Kelli L. Barnaby, City Clerk

¹Note: The penalty for a first offense under Article XIII is \$25.00, if paid within seven (7) days

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 7, 2020 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on a Resolution Authorizing a Bond Issue, and/or Notes of up to Four Hundred Thousand (\$400,000.00) Dollars for Costs related to the Upgrade of the Police Facility. Due to the current State of Emergency related to COVID-19, the public hearing on December 7, 2020 will be conducted remotely via zoom conference call. Details regarding how to access the zoom meeting will be published on the Agenda.

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, December 7, 2020 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on a Resolution Authorizing a Bond Issue, and/or Notes of up to Four Hundred Thousand (\$400,000.00) Dollars for Costs related to the Upgrade of the Police Facility. Due to the current State of Emergency related to COVID-19, the public hearing on December 7, 2020 will be conducted remotely via zoom conference call. Details regarding how to access the zoom meeting will be published on the Agenda.
KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

**THE CITY OF PORTSMOUTH
TWO THOUSAND TWENTY
PORTSMOUTH, NH**

RESOLUTION # XX - 2020

A RESOLUTION AUTHORIZING A BOND ISSUE, AND/OR NOTES OF UP TO FOUR HUNDRED THOUSAND (\$400,000) DOLLARS FOR COSTS RELATED TO THE UPGRADE OF THE POLICE FACILITY.

BE IT RESOLVED:

THAT the sum of **Four Hundred Thousand (\$400,000) Dollars** be and is hereby appropriated for costs related to the upgrade of the police facility.

THAT in order to meet said appropriation the City Treasurer, with approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Four Hundred Thousand (\$400,000) Dollars** through the issue of bonds and/or notes of the City under the Municipal Finance Act.

THAT the expected useful life of the police facility upgrades is determined to be at least 20 years.

THAT this resolution shall take effect upon its passage.

APPROVED BY:

**_____
RICK BECKSTED, MAYOR**

ADOPTED BY CITY COUNCIL

**_____
KELLI BARNABY, CMC/CNHMC**

CITY CLERK

BI-21-PD-10: POLICE FACILITY DEFICIENCIES & REPAIR PROJECT

Department	Police Department
Project Location	Police Department
Project Type	Rehabilitation of a Facility
Commence FY	2021
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)

Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	Y
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

Description: A 2014 space needs study of the police facility identified deficiencies in space allocated to the police department as well as deficiencies in function. In addition, a 2018 public presentation provided insight into some of the unique needs and requirements of a police facility. Although a funding request for a new facility has been included in the CIP plan since the space needs study was completed, citywide costs have to be prioritized. A new police facility is still on the list. Over the years, the current facility has fallen into disrepair, and the space needed for staff and police functions, is overcrowded, insufficient, and inefficient. Major overhauls of multiple areas are needed, including, but not limited to: security, ADA compliance, IT infrastructure and control room, evidence processing and submittal areas, restructure and renovation of Detectives, restructure and renovation of all locker rooms, temperature and humidity control in specified areas, parking, equipment storage, archive space upgrades, additional garage/vehicle evidence bays, upgrades to walls, lighting and flooring-to include asbestos abatement and paint, electrical, plumbing, and HVAC upgrades. Although facility, space and operational efficiencies will still be a major issue after this project, as defined in the space needs study, this project addresses immediate facility deficiencies until a new police facility is approved.

Useful Website Links:

- [Portsmouth Police Department Homepage](#)

	FY21	FY22	FY23	FY24	FY25	FY26	Totals 21-26	6 PY's Funding	Totals
GF	0%						\$0	\$0	\$0
Fed/State	0%						\$0	\$0	\$0
Bond/Lease	100%	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$2,400,000	\$0	\$2,400,000
Other	0%						\$0	\$0	\$0
Revenues	0%						\$0	\$0	\$0
PPP	0%						\$0	\$0	\$0
Totals		\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$2,400,000	\$0	\$2,400,000

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 7, 2020 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on a Resolution Authorizing a Bond Issue, and/or Notes of up to One Million Dollars (\$1,000,000.00) for Costs related to School Facilities Improvements. Due to the current State of Emergency related to COVID-19, the public hearing on December 7, 2020 will be conducted remotely via zoom conference call. Details regarding how to access the zoom meeting will be published on the Agenda.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

LEGAL NOTICE
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KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

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

RESOLUTION # – 2020

**A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR
NOTES OF UP TO ONE MILLION DOLLARS (\$1,000,000) FOR
COSTS RELATED TO SCHOOL FACILITIES IMPROVEMENTS.**

RESOLVED:

THAT, the sum of up to **One Million Dollars (\$1,000,000)** is appropriated for School Facilities Improvements, including the payment of costs incidental or related thereto.

THAT, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **One Million Dollars (\$1,000,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

THAT, the expected useful life of the projects is determined to be at least twenty (20) years, and;

THAT, this Resolution shall take effect upon its passage.

APPROVED:

**_____
RICK BECKSTED, MAYOR**

ADOPTED BY CITY COUNCIL

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

BI-07-SC-11: SCHOOL FACILITIES CAPITAL IMPROVEMENTS

Department	School Department
Project Location	District Wide
Project Type	Rehabilitation of Existing Facilities
Commence FY	Ongoing
Priority	O (Ongoing or Programmatic)
Impact on Operating Budget	Negligible (<\$5,001)

Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	



Description: The Portsmouth School Department has maintenance responsibilities for seven (7) buildings and the grounds that accompany them. These appropriations are used for buildings and grounds improvement projects such as paving, roofing, energy efficiency improvements, infrastructure replacement and security improvements.

Useful Website Links:

- [Portsmouth School Department Homepage](#)
- [FY20-25 CIP page](#)

	FY21	FY22	FY23	FY24	FY25	FY26	Totals 21-26	6 PYs Funding	Totals
GF	0%						\$0	\$0	\$0
Fed/ State	0%						\$0	\$0	\$0
Bond/ Lease	100%	\$1,000,000	\$2,500,000	\$1,000,000	\$800,000		\$5,300,000	\$1,000,000	\$6,300,000
Other	0%						\$0	\$0	\$0
Revenues	0%						\$0	\$0	\$0
PPP	0%						\$0	\$0	\$0
Totals		\$1,000,000	\$2,500,000	\$1,000,000	\$800,000	\$0	\$5,300,000	\$1,000,000	\$6,300,000

BI-07-SC-11: SCHOOL FACILITIES CAPITAL IMPROVEMENTS

Facility/School	Improvement Project	FY21	FY22	FY23	FY24	FY25	FY26	Totals
High School	Security Upgrade Match	\$100,000						\$100,000
District Wide	Paving and Playground Work	\$250,000						\$250,000
High School	Roof Replacement	\$200,000						\$200,000
High School	Interior Bleachers Replacement	\$300,000						\$300,000
High School	Recommissioning and Assessment of Mechanical Infrastructure	\$100,000						\$100,000
High School	Mechanical Infrastructure Upgrades				\$500,000			\$500,000
High School	Flooring Replacement	\$50,000						\$50,000
District Wide	Energy Efficiency Upgrades Lighting/Mechanical				\$500,000			\$500,000
R.J. Lister Academy	Life Safety, Security and Mechanical Infrastructure			\$2,500,000				\$2,500,000
High School	Artificial Turf Field Surface Replacement					\$800,000		\$800,000
Total District Wide City Capital Improvement		\$250,000	\$0	\$0	\$500,000	\$800,000	\$0	\$1,550,000
Total High School Capital Improvement		\$750,000	\$0	\$0	\$500,000	\$0	\$0	\$1,250,000
Total R.J. Lister Academy Capital Improvement		\$0	\$0	\$2,500,000	\$0	\$0	\$0	\$2,500,000
TOTAL IMPROVEMENTS		\$1,000,000	\$0	\$2,500,000	\$1,000,000	\$800,000	\$0	\$5,300,000

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 7, 2020 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on a Resolution Authorizing a Bond Issue, and/or Notes of up to Three Million Six Hundred Forty Thousand Dollars (\$3,640,000.00) for costs related to Outdoor Pool Upgrades and City Street and Sidewalk Upgrades. Due to the current State of Emergency related to COVID-19, the public hearing on December 7, 2020 will be conducted remotely via zoom conference call. Details regarding how to access the zoom meeting will be published on the Agenda.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

LEGAL NOTICE
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KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

PM-00300948

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

RESOLUTION # – 2020

**A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR
NOTES OF UP TO THREE MILLION SIX HUNDRED FORTY
THOUSAND DOLLARS (\$3,640,000) FOR COSTS RELATED TO
OUTDOOR POOL UPGRADES AND CITY STREET AND
SIDEWALK UPGRADES.**

RESOLVED:

THAT, the sum of up to **Three Million Six Hundred Forty Thousand Dollars (\$3,640,000)** is appropriated for Outdoor Pool Upgrades and City Street and Sidewalk Upgrades, including the payment of costs incidental or related thereto;

THAT, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Three Million Six Hundred Forty Thousand Dollars (\$3,640,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

THAT, the expected useful life of the projects is determined to be at least twenty (20) years, and;

THAT, this Resolution shall take effect upon its passage.

APPROVED:

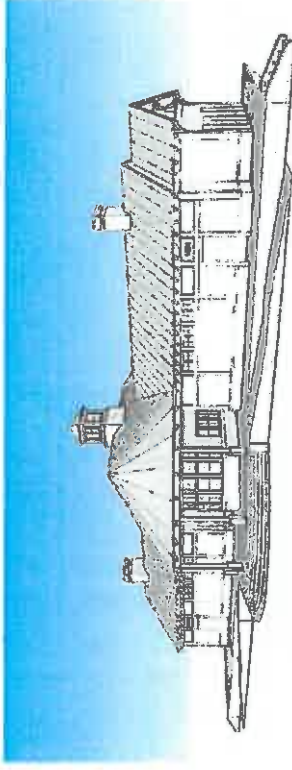
RICK BECKSTED, MAYOR

ADOPTED BY CITY COUNCIL

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

BI-15-PW-24: OUTDOOR POOL UPGRADE

Department	Public Works Department
Project Location	Pierce Island
Project Type	Rehabilitation of a Facility
Commence FY	2019
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Satisfy
Identified in Planning Document or Study:	
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

Description: An evaluation of the pool and pool filter building was completed as part of the Peirce Island pool house design project. The results of this evaluation identified additional investments were needed to allow the pool to stay open.

Useful Website Links:

- [Public Works Homepage](#)

FY21 Request updated to \$2,000,000

	Y23	FY24	FY25	FY26	Totals 21-26	6 PY's Funding	Totals
GF					\$0	\$0	\$0
Fed/ State					\$0	\$0	\$0
Bond/ Lease	\$2,500,000				\$4,100,000	\$1,500,000	\$5,600,000
Other					\$0	\$0	\$0
Revenues					\$0	\$0	\$0
PPP					\$0	\$0	\$0
Totals	\$0	\$0	\$0	\$0	\$4,100,000	\$1,500,000	\$5,600,000

COM-03-PW-100

ISLINGTON STREET IMPROVEMENTS PHASE 1B & 2

Combined: General Fund-Water Fund-Sewer Fund

Department	Public Works
Project Location	Islington Street from Albany Street to Congress Street
Project Type	Rehabilitation of a Facility
Commence FY	2020
Priority	A (needed (needed within 0 to 3 years))
Impact on Operating Budget	Negligible (<\$5,001)

Evaluation Criteria	Satisfy
Identified in Planning Document or Study: Long Term Control Plan Update 2010 ; CSO Supplemental Compliance Plan 2017	Y
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	Y
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	Y
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

Useful Website Links:
<ul style="list-style-type: none"> • Public Works Department • Sewer Department



Description: This project funds work related to reconstruction on Islington Street. It will be completed in phases. Phase 1A is from the Route 1 Bypass to Albany Street and was previously funded. Phase 1B is from Albany Street to Dover Street and will be funded in FY21. Phase 2 is from Dover Street to Congress Street and is estimated to cost an additional \$6.9 million in FY24. The total project estimated cost is \$23,740,000.

The project includes water, sewer, drainage and streetscape modifications. Funding for this work will come from the water and sewer enterprise funds and the general fund (property taxes).

Phases 1A and 1B are required by the City's Supplemental Compliance Plan for sewer separation.

COM-03-PW-100

**ISLINGTON STREET IMPROVEMENTS PHASE 1B & 2
Combined: General Fund-Water Fund-Sewer Fund**

	FY21	FY22	FY23	FY24	FY25	FY26	Totals 21-26	6 PY's Funding	Totals
General Fund									
Fed/ State	0%						\$0	\$0	\$0
GF-Capital Outlay	2%			\$100,000			\$100,000	\$400,000	\$500,000
GF-Bond/ Lease	31%	\$1,640,000		\$2,200,000			\$3,840,000	\$3,500,000	\$7,340,000
Other	0%						\$0	\$0	\$0
PPP	0%						\$0	\$0	\$0
Revenues	3%			\$100,000			\$100,000	\$500,000	\$600,000
Bond/Lease	31%	\$1,650,000		\$2,200,000			\$3,850,000	\$3,500,000	\$7,350,000
PPP	0%						\$0	\$0	\$0
Revenues	3%			\$100,000			\$100,000	\$500,000	\$600,000
Bond/Lease	31%	\$1,650,000		\$2,200,000			\$3,850,000	\$3,500,000	\$7,350,000
PPP	0%						\$0	\$0	\$0
Sewer									
Total General Fund	33%	\$1,640,000	\$0	\$0	\$2,300,000	\$0	\$3,940,000	\$3,900,000	\$7,840,000
Total Water Fund	33%	\$1,650,000	\$0	\$0	\$2,300,000	\$0	\$3,950,000	\$4,000,000	\$7,950,000
Total Sewer Fund	33%	\$1,650,000	\$0	\$0	\$2,300,000	\$0	\$3,950,000	\$4,000,000	\$7,950,000
Totals		\$4,940,000	\$0	\$0	\$6,900,000	\$0	\$11,840,000	\$11,900,000	\$23,740,000

LEGAL NOTICE

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KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

LEGAL NOTICE

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KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

PH-0050662

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

RESOLUTION # -2020

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO THREE MILLION SIX HUNDRED THOUSAND DOLLARS (\$3,600,000) RELATED TO WATER LINE UPGRADES, NEW GROUND WATER SOURCE, WATER TRANSMISSION MAIN REPLACEMENT AND WATER STORAGE TANKS PAINTING.

RESOLVED:

THAT, the sum of up to **Three Million Six Hundred Thousand Dollars (\$3,600,000)** is appropriated for Water Line Upgrades, New Ground Water Source, Water Transmission Main Replacements, and Water Storage Tanks Painting, including the payment of costs incidental or related thereto;

To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to **Three Million Six Hundred Thousand Dollars (\$3,600,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan.

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

THAT this Resolution shall take effect upon its passage.

APPROVED:

RICK BECKSTED, MAYOR

ADOPTED BY CITY COUNCIL

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

EF-18-WD-90: NEW GROUNDWATER SOURCE

Enterprise Funds: Water

Department	Public Works
Project Location	Citywide
Project Type	Construction or Expansion of a Public Facility, Street or Utility
Commence FY	2018
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)

Evaluation Criteria	Satisfy
Identified in Planning Document or Study – Water System Master Plan 2013	Y
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	Y
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	



Description: This project consists of constructing, permitting and connecting a new groundwater supply well into the Portsmouth water system. This project is important to ensure long-term sustainability of the water supply.

Useful Website Links:

- [Public Works Homepage](#)
- [Water Department](#)
- [FY20-25 CIP Page](#)

	FY21	FY22	FY23	FY24	FY25	FY26	Totals 21-26	6 PY's Funding	Totals
GF	0%						\$0	\$0	\$0
Fed/ State	0%						\$0	\$0	\$0
Bond/ Lease	88%	\$500,000	\$2,000,000				\$2,500,000	\$0	\$2,500,000
Other	0%						\$0	\$0	\$0
Revenues	12%						\$0	\$350,000	\$350,000
PPP	0%						\$0	\$0	\$0
Totals		\$500,000	\$2,000,000	\$0	\$0	\$0	\$2,500,000	\$350,000	\$2,850,000

EF-18-WD-91: WATER TRANSMISSION MAIN REPLACEMENT

Department	Public Works
Project Location	Citywide
Project Type	Rehabilitation of a Facility
Commence FY	2018
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Satisfy
Identified in Planning Document or Study – Newington Transmission Main Alternative Draft Report 2017	Y
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	Y
Eligible for Matching Funds with Limited Availability	

Description: This project consists of design and construction of water transmission mains beneath Little Bay to replace existing mains, which are over 60 years old. Preliminary investigations of the existing water mains and valves have identified degraded conditions. Due to the importance of this water main, this project is necessary to ensure water is continuously supplied from Madbury to Portsmouth and service is not disrupted. FY21 funds will be used for permitting and design, and FY22 funds will be used for construction.

Useful Website Links:

- [Public Works Homepage](#)
- [Water Department](#)
- [FY20-25 CIP page](#)

	FY21	FY22	FY23	FY24	FY25	FY26	Totals 21-26	6 PY's Funding	Totals
GF	0%						\$0	\$0	\$0
Fed/ State	0%						\$0	\$0	\$0
Bond/ Lease	96%	\$600,000					\$6,000,000	\$250,000	\$6,250,000
Other	0%						\$0	\$0	\$0
Revenues	4%						\$0	\$250,000	\$250,000
PPP	0%						\$0	\$0	\$0
Totals		\$600,000	\$5,400,000	\$0	\$0	\$0	\$6,000,000	\$500,000	\$6,500,000

EF-20-WD-92: WATER STORAGE TANKS PAINTING

Department	Public Works
Project Location	Arboretum Drive
Project Type	Rehabilitation of a Facility
Commence FY	2021
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)

Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	Y
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	



Description: The City owns and operates 4 water storage tanks. These facilities are inspected routinely for the condition of the interior and exterior finishes. These funds cover the costs to repaint these tanks when needed. FY21 funds will cover the exterior painting of the Newington Booster tank. This work will be significant because the existing paint and primer contain lead. FY23 funds will be used to repaint the exterior of the Spinney Road tank.

- Useful Website Links:
- [Public Works Homepage](#)
 - [Water Department](#)
 - [FY20-25 CIP page](#)

GF	FY21	FY22	FY23	FY24	FY25	FY26	Totals 21-26	6 FY's Funding	Totals
0%							\$0	\$0	\$0
Fed/ State	0%						\$0	\$0	\$0
Bond/ Lease	100%	\$850,000	\$350,000				\$1,200,000	\$0	\$1,200,000
Other	0%						\$0	\$0	\$0
Revenues	0%						\$0	\$0	\$0
PPP	0%						\$0	\$0	\$0
Totals	\$850,000	\$0	\$350,000	\$0	\$0	\$0	\$1,200,000	\$0	\$1,200,000

COM-03-PW-100

ISLINGTON STREET IMPROVEMENTS PHASE 1B & 2

Combined: General Fund-Water Fund-Sewer Fund

Department	Public Works
Project Location	Islington Street from Albany Street to Congress Street
Project Type	Rehabilitation of a Facility
Commence FY	2020
Priority	A (needed (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)

Evaluation Criteria	Satisfy
Identified in Planning Document or Study: Long Term Control Plan Update 2010 ; CSO Supplemental Compliance Plan 2017	Y
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	Y
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	Y
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

Useful Website Links:
<ul style="list-style-type: none"> • Public Works Department • Sewer Department



Description: This project funds work related to reconstruction on Islington Street. It will be completed in phases. Phase 1A is from the Route 1 Bypass to Albany Street and was previously funded. Phase 1B is from Albany Street to Dover Street and will be funded in FY21. Phase 2 is from Dover Street to Congress Street and is estimated to cost an additional \$6.9 million in FY24. The total project estimated cost is \$23,740,000.

The project includes water, sewer, drainage and streetscape modifications. Funding for this work will come from the water and sewer enterprise funds and the general fund (property taxes).

Phases 1A and 1B are required by the City's Supplemental Compliance Plan for sewer separation.

COM-03-PW-100

**ISLINGTON STREET IMPROVEMENTS PHASE 1B & 2
Combined: General Fund-Water Fund-Sewer Fund**

	FY21	FY22	FY23	FY24	FY25	FY26	Totals 21-26	6 PY's Funding	Totals
General Fund									
Fed/ State	0%						\$0	\$0	\$0
GF-Capital Outlay	2%			\$100,000			\$100,000	\$400,000	\$500,000
GF-Bond/ Lease	31%			\$2,200,000			\$3,840,000	\$3,500,000	\$7,340,000
Other	0%						\$0	\$0	\$0
PPP	0%						\$0	\$0	\$0
Revenues	3%			\$100,000			\$100,000	\$500,000	\$600,000
Bond/Lease	31%			\$2,200,000			\$3,850,000	\$3,500,000	\$7,350,000
PPP	0%						\$0	\$0	\$0
Revenues	3%			\$100,000			\$100,000	\$500,000	\$600,000
Bond/Lease	31%			\$2,200,000			\$3,850,000	\$3,500,000	\$7,350,000
PPP	0%						\$0	\$0	\$0
Water									
Sewer									
PPP	0%						\$0	\$0	\$0
Total General Fund	33%	\$1,640,000	\$0	\$0	\$2,300,000	\$0	\$3,940,000	\$3,900,000	\$7,840,000
Total Water Fund	33%	\$1,650,000	\$0	\$0	\$2,300,000	\$0	\$3,950,000	\$4,000,000	\$7,950,000
Total Sewer Fund	33%	\$1,650,000	\$0	\$0	\$2,300,000	\$0	\$3,950,000	\$4,000,000	\$7,950,000
Totals		\$4,940,000	\$0	\$0	\$6,900,000	\$0	\$11,840,000	\$11,900,000	\$23,740,000

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 7, 2020 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on a Resolution Authorizing a Bond Issue, and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Five Million Two Hundred Fifty Thousand Dollars (\$5,250,000.00) for Costs related to Sewer Force Main Improvements and Sewerline Upgrades. Due to the current State of Emergency related to COVID-19, the public hearing on December 7, 2020 will be conducted remotely via zoom conference call. Details regarding how to access the zoom meeting will be published on the Agenda.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

LEGAL NOTICE
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KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

PH-00000000

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

RESOLUTION # – 2020

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO FIVE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$5,250,000) FOR COSTS RELATED TO SEWER FORCE MAIN IMPROVEMENTS AND SEWERLINE UPGRADES.

RESOLVED:

THAT the sum of up to **Five Million Two Hundred Fifty Thousand Dollars (\$5,250,000)** is appropriated for Sewer Force Main Improvements and Sewerline Upgrades, including the payment of costs incidental or related thereto;

To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to **Five Million Two Hundred Fifty Thousand Dollars (\$5,250,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan.

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

THAT this Resolution shall take effect upon its passage.

APPROVED:

RICK BECKSTED, MAYOR

ADOPTED BY CITY COUNCIL

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

COM-03-PW-100

ISLINGTON STREET IMPROVEMENTS PHASE 1B & 2
Combined: General Fund-Water Fund-Sewer Fund

Department	Public Works
Project Location	Islington Street from Albany Street to Congress Street
Project Type	Rehabilitation of a Facility
Commence FY	2020
Priority	A (needed (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Satisfy
Identified in Planning Document or Study: Long Term Control Plan Update 2010 ; CSO Supplemental Compliance Plan 2017	Y
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	Y
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	Y
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

Description: This project funds work related to reconstruction on Islington Street. It will be completed in phases. Phase 1A is from the Route 1 Bypass to Albany Street and was previously funded. Phase 1B is from Albany Street to Dover Street and will be funded in FY21. Phase 2 is from Dover Street to Congress Street and is estimated to cost an additional \$6.9 million in FY24. The total project estimated cost is \$23,740,000.

The project includes water, sewer, drainage and streetscape modifications. Funding for this work will come from the water and sewer enterprise funds and the general fund (property taxes).

Phases 1A and 1B are required by the City's Supplemental Compliance Plan for sewer separation.

Useful Website Links:
<ul style="list-style-type: none"> • Public Works Department • Sewer Department

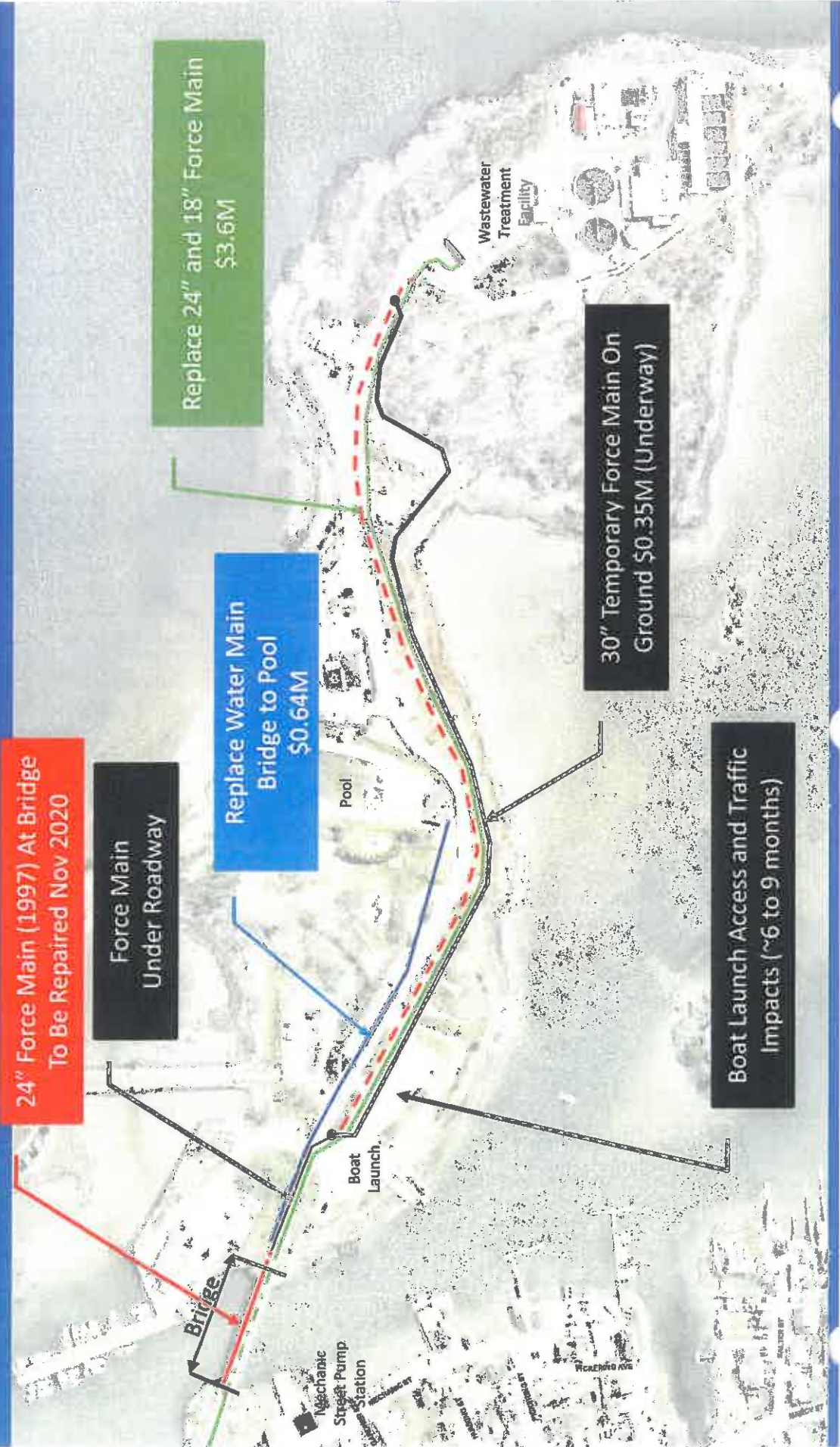
COM-03-PW-100

ISLINGTON STREET IMPROVEMENTS PHASE 1B & 2

Combined: General Fund-Water Fund-Sewer Fund

		FY21	FY22	FY23	FY24	FY25	FY26	Totals 21-26	6 PY's Funding	Totals
General Fund	Fed/ State	0%						\$0	\$0	\$0
	GF-Capital Outlay	2%			\$100,000			\$100,000	\$400,000	\$500,000
	GF-Bond/ Lease	31%	\$1,640,000		\$2,200,000			\$3,840,000	\$3,500,000	\$7,340,000
	Other	0%						\$0	\$0	\$0
	PPP	0%						\$0	\$0	\$0
	Revenues	3%				\$100,000			\$100,000	\$500,000
Water	Bond/Lease	31%	\$1,650,000		\$2,200,000			\$3,850,000	\$3,500,000	\$7,350,000
	PPP	0%						\$0	\$0	\$0
	Revenues	3%			\$100,000			\$100,000	\$500,000	\$600,000
Sewer	Bond/Lease	31%	\$1,650,000		\$2,200,000			\$3,850,000	\$3,500,000	\$7,350,000
	PPP	0%						\$0	\$0	\$0
	Revenues	3%			\$100,000			\$100,000	\$500,000	\$600,000
Total General Fund		33%	\$1,640,000	\$0	\$2,300,000	\$0	\$0	\$3,940,000	\$3,900,000	\$7,840,000
Total Water Fund		33%	\$1,650,000	\$0	\$2,300,000	\$0	\$0	\$3,950,000	\$4,000,000	\$7,950,000
Total Sewer Fund		33%	\$1,650,000	\$0	\$2,300,000	\$0	\$0	\$3,950,000	\$4,000,000	\$7,950,000
Totals			\$4,940,000	\$0	\$6,900,000	\$0	\$0	\$11,840,000	\$11,900,000	\$23,740,000

Force Mains From Mechanic Street Wastewater Pump Station



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 11, Article II – **SEWERS** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE II: SEWERS

Section 11.203 USE OF PUBLIC SEWERS REQUIRED

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Portsmouth, or in any area under jurisdiction of said City, and a human or animal excrement, garbage, or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within said City of Portsmouth or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- D. The owner of all houses, buildings or properties used for human occupancy, recreation or other purposes is hereby required to install thereon suitable toilet facilities and provided said property abuts upon any street, alley or right of way in which there is located a public sewer and further provided that said premises are located within 150 feet of the property line abutting said street, alley or right of way, the owner shall connect said facilities with the public sewer **subject to any waiver granted under section 11.204 (E).**

Section 11.204: PRIVATE SEWAGE DISPOSAL

- A. Where a public sanitary or combined sewer is not available under the provisions of Section 11.203, paragraph D, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.
- B. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Plumbing Inspector. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any, plans, specifications, percolation test results and other information as are deemed necessary by the Plumbing Inspector. A permit and inspection fee to be determined in accordance with Chapter 1, Article

XVI or similar wording and paid at the time the application is filed. (Amended 3/18/2002).

- C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Plumbing Inspector. He shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the Plumbing Inspector when the work is ready for final inspection, and before any underground portions are covered, the inspection shall be made within 24 hours of the receipt of notice by the Plumbing Inspector.
- D. The type, capacities, location and layout of a private sewage disposal system shall comply with all regulations of the N.H. Water Supply and Pollution Control Commission. No permit shall be issued for any private sewage disposal system employing subsurface facilities where the percolation test results indicate poor drainage conditions exist. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, ~~as provided in Section 11.204, Paragraph D~~ **subject to the waiver provision below**, a direct connection shall be made **within ninety (90) days** to the public sewer in compliance with this Ordinance and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material. **The City Engineer may extend the period to connect from ninety (90) days to no more than one hundred and fifty (150) days for winter conditions or other good cause. Owners of private sewage disposal systems may apply for and receive a waiver of the connection requirement provided that the private sewage disposal system is adequately functioning to serve the current property uses and legally permitted under State law. The waiver shall be withdrawn, and connection required, when the private sewage disposal system is no longer adequately functioning or is not legally permitted by State law.**
- F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
- G. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
- H. ~~When a~~ **A** public sewer becomes available **for purposes of this ordinance when** ~~, the building sewer of~~ any house, building or property **is** used for human occupancy **and is** located within 150 feet of the property line abutting the street, alley or right of way in which the sewer main is laid, ~~shall be connected to the sewer within 60 days and the private sewage system shall be cleaned of sludge and filled with clean bank run gravel.~~

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Rick Becksted, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

DRAFT

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article IVA, Section 7-A.402 – **BUS STOPS DESIGNATED** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**, remaining language unchanged from existing):

Article IVA: BUS STOPS AND TAXICAB STANDS

Section 7-A.402: BUS STOPS DESIGNATED

- D. Hanover Street: southerly side of Hanover Street ~~90 feet east of from~~ Fleet Street to a point 285 feet east of Fleet Street.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Rick Becksted, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

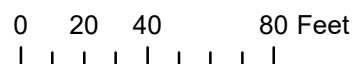


Section 7-A.402: BUS STOPS DESIGNATED

D. Hanover Street: southerly side of Hanover Street ~~90 feet east of from~~ Fleet Street to a point 285 feet east of Fleet Street.

BUS STOPS DESIGNATED
Portsmouth, New Hampshire

Map prepared by Portsmouth Department of Public Works, 2 June 2020
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2020



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article XI, Section 7.1100 – **SPEED LIMITS**, E: Speed Limit: 25 MPH of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**, remaining language unchanged from existing):

Article XI: SPEED LIMITS

Section 7.1100: SPEED LIMITS

E. Speed Limit: 25 MPH

10. South Street, from Middle Road to Lafayette Road.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Rick Becksted, Mayor

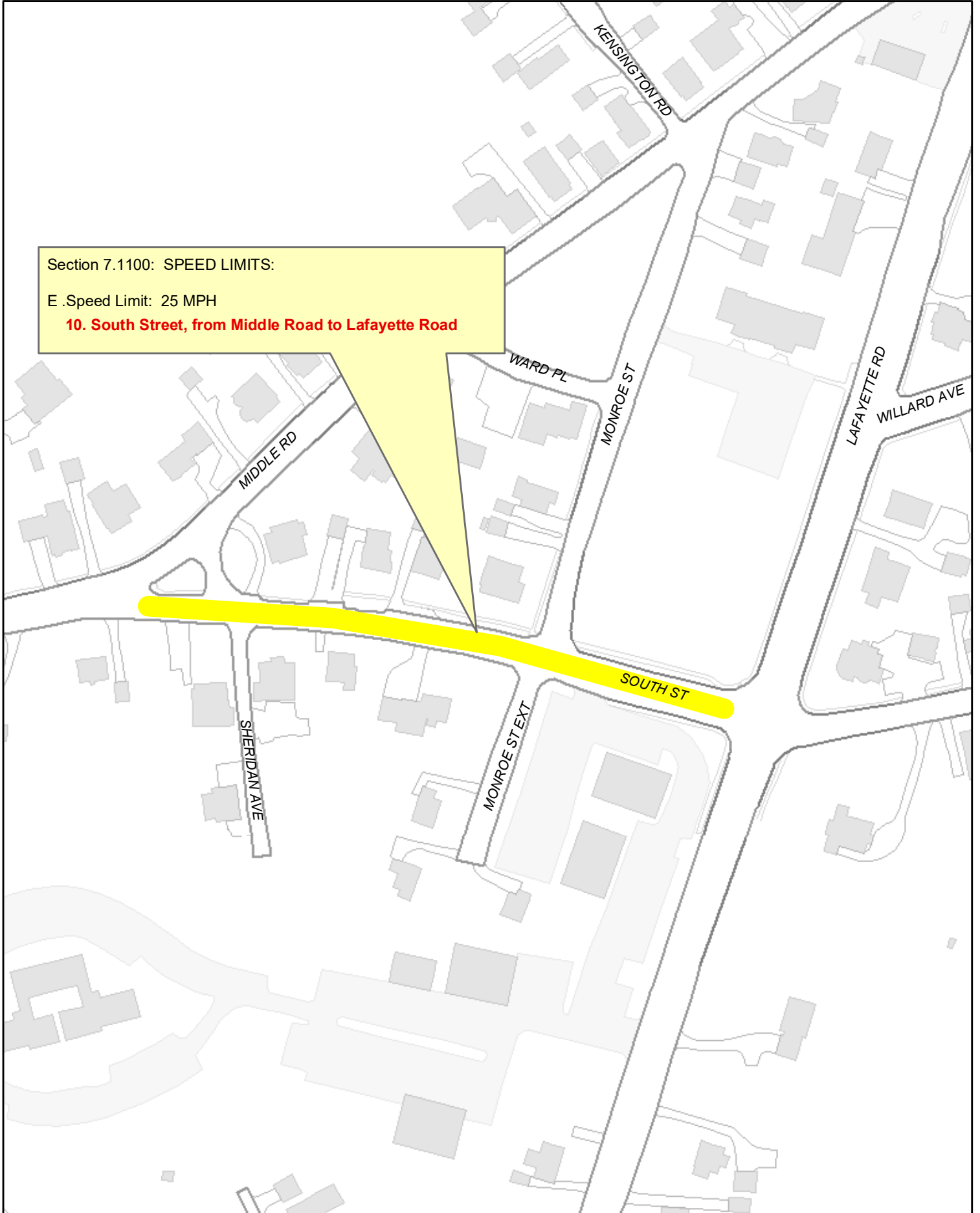
ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Section 7.1100: SPEED LIMITS:

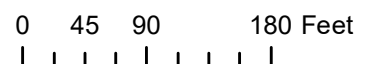
E .Speed Limit: 25 MPH

10. South Street, from Middle Road to Lafayette Road



**SPEED LIMITS
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works , 8 October 2020
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2020



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article III, Section 7.330 - **NO PARKING** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**, remaining language unchanged from existing):

Article III: TRAFFIC ORDINANCE

Section 7.330: NO PARKING

A. Unless otherwise designated by ordinance, parking shall be prohibited at all times in the following described streets and locations:

33. Dearborn Street:

- a. westerly side from Maplewood Avenue to the easterly end of Dearborn Lane (entire westerly side).
- b. **easterly side, from the North Mill Pond running northerly for a distance of 25 feet.**

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

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

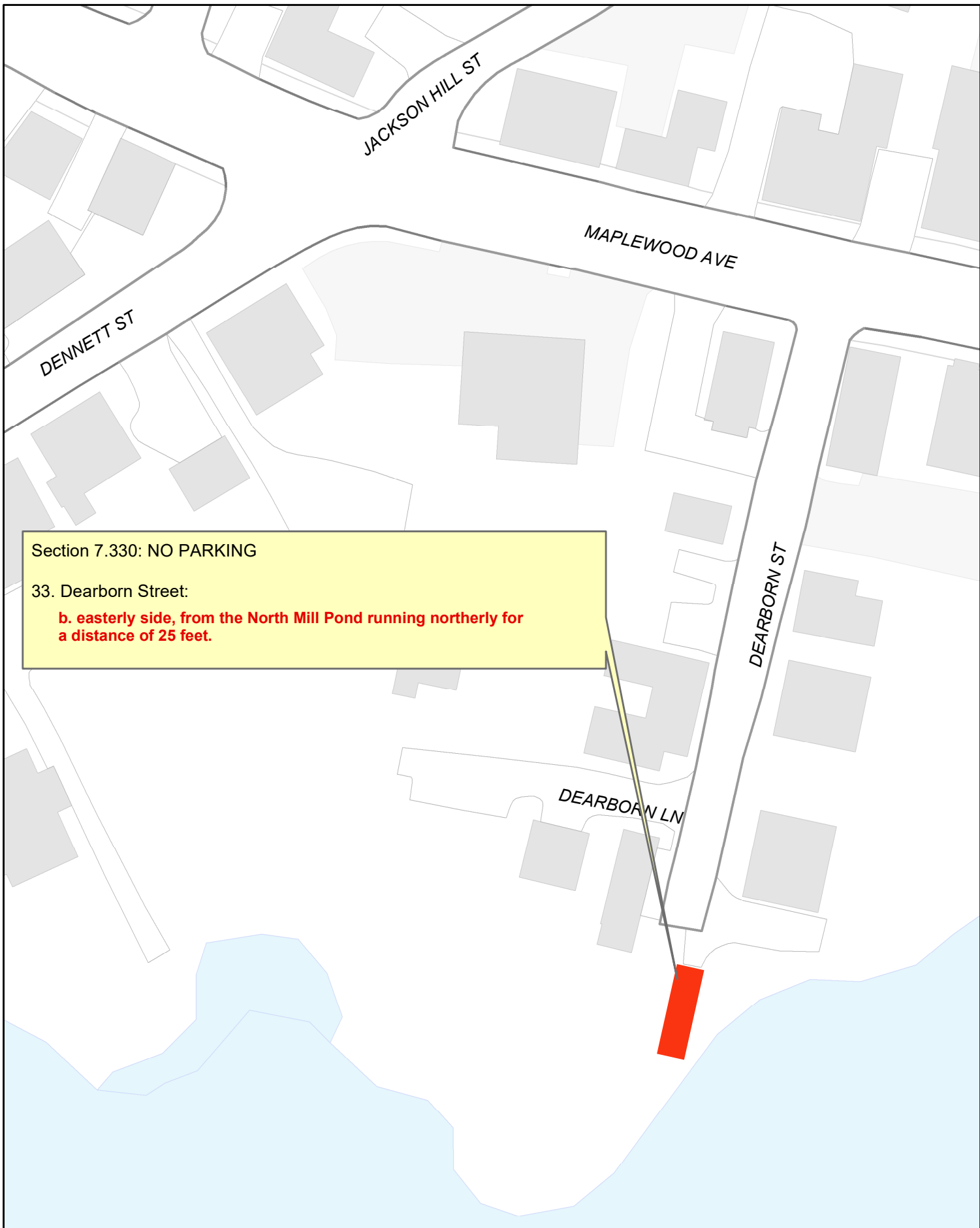
This ordinance shall take effect upon its passage.

APPROVED:

Rick Becksted, Mayor

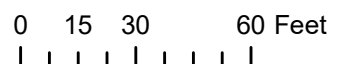
ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



**No Parking
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 2 June 2020
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2020



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: BOARD OF ADJUSTMENT

Name: DAVID MACDONALD Telephone: 603-988-4654

Could you be contacted at work? YES/NO If so, telephone# 603-988-4654

Street address: 28 BALL ST. PORTSMOUTH, NH 03801

Mailing address (if different): SAME AS ABOVE

Email address (for clerk's office communication): bstreetcafe28@gmail.com

How long have you been a resident of Portsmouth? 29 YEARS

Occupational background:

PLEASE SEE ATTACHED RESUME'

Please list experience you have in respect to this Board/Commission:

BOARD OF ADJUSTMENT, RYE, NH
SEWER COMMITTEE (CHAIRMAN), RYE NH.
CIVIL DEFENSE (DIRECTOR) RYE, NH



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO

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

Reasons for wishing to serve: WE HAVE OWNED A HOUSE AND LIVED HERE IN PORTSMOUTH FOR A LONG TIME WITHOUT SERVING IN A PUBLIC CAPACITY. NOW I AM ABLE TO DEVOTE TIME, ENERGY, AND EFFORT. I WOULD LIKE TO START DOING MY PART.

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

NONE AT PRESENT

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

1) TOM WATSON, NEW CASTLE AVE. 603-792-7406
Name, address, telephone number

2) DR. PAUL HARVEY JR. NEW CASTLE AVE. 603-969-5312
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: [Signature] Date: Nov 30, 2020

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

DAVID P. MACDONALD

Experience Summary

Mr MacDonald has more than 30 years' experience in strategic marketing, contract management, project and program management, and engineering management positions. His experience includes operational and technical leadership, engineering, and project/program management in support of a wide range of Department of Defense programs for multiple defense organizations, major prime contractors, and subcontractors. Mr MacDonald has held positions encompassing all phases of project management, engineering development and the asset acquisition lifecycle. He has extensive experience in process engineering for cost reduction, and in employee training and development. He is a member of the Institute of Electrical and Electronic Engineers (IEEE), and the Project Management Institute. He has also held leadership positions in Marketing, Sales, and Business Development.

Significant Achievements

- More than 30 years' experience in project management, product and process design, quality system development, and production support.
- Led the development of new technology in low observable electromagnetic sensor systems to an on-time and profitable conclusion.
- Designed and implemented the restructuring of a major corporate business unit to apply defense market technology and processes to the high volume commercial telecommunications market space.
- Led a corporate application for the Malcolm Baldrige National Quality Award, and jointly led certification of three corporate business units to the ISO 9001 standard.

Education

- Northeastern University, Electrical Engineering 1966-1971

Relevant Experience

Serco Inc.

January 2008–Present

Business Systems Analysis Team Leader, August 2008–Present

Serco, Inc. operates the National Visa Center (NVC) under contract with the U.S. Department of State (DOS). Mr MacDonald is responsible to rapidly analyse and solve operational performance issues adversely affecting the NVC's immigrant visa transactional output stream. He acts as a problem resolution focal point in an automated, high volume production environment. He coordinates diverse resource sets both within, and outside of the NVC to achieve and maintain acceptable process output volume and quality levels within the requirements of public law and regulations. He contributes analysis and planning to manage the integration of new and evolving processes while maintaining the product quality level required by DOS.

Global Communications Devices (GCD)

March 2001-July 2002

Director of Marketing

GCD was a venture funded start-up company engaged in development of 802.11 Wi-Fi system-on-chip integrated compound semiconductor devices. Mr MacDonald was responsible to cultivate and maintain

customer and partner relationships, and to promote products and technologies to facilitate the eventual successful sale of the company.

Nurad Technologies

August 1999–November 2000

Vice President, Marketing, Sales, and Contract Administration

Mr MacDonald managed overall business development activities of the company in both Defense and commercial wireless telecommunications market segments to achieve targeted growth in new orders. He also established contract administration policies and procedures compliant with the Federal Acquisition Regulations and the Defense Federal Acquisition Regulation Supplement which were successfully audited by the Defense Contracts Audit Agency.

M/A-COM, Tyco Electronics.

February 1971–August 1999

Director of Advanced Development, October 1993 - August 1999

Mr MacDonald was the principal architect of the restructuring of a \$50 million business unit to comprise three product lines which are still in operation today as independent business units. He designed the product and market roadmaps to competitively apply Defense market product technologies to emerging high volume commercial telecommunications market segments.

Program Manager, February 1983 - October 1993

Mr MacDonald managed the proposal, negotiation, and performance of a large number of development programs ranging up to \$40 million in value. He managed the development of subsystems and components for the, F-15, F-16, F-18, F-22, B-1A/B, B-2B, Tomahawk Missile, Standoff Land Attack Missile (SLAM), Harpoon Missile, Delta III Launch Vehicle, Delta IV Launch Vehicle, the Air Force One Fleet, and the International Space Station as well as many ship borne and land based programs.

Senior Design Engineer, July 1978 - February 1983

Mr MacDonald established the design approaches and led the activity of electrical and mechanical designers to develop and qualify a variety of subsystems and components for Defense programs, including the direction finding warning receivers for the SR-71 program which employed new technology never before attempted.

Design Engineer, February 1971 – July 1978

Mr MacDonald designed, developed, and qualified a wide variety of components and multifunctional assemblies for various defense programs. His designs principally included homodyne, heterodyne, and logarithmically detected video receivers. He developed the first known 3:1 bandwidth balanced strip heterodyne mixer under an internal research and development project in 1977.

Certifications and Training

- Program Management, American Graduate University (now Brandeis), 1984

Security Clearances

- U.S. Public Trust – Confidential
- Industrial – Secret (endorsements for special access to SR-71, B-1B and B-2 programs)

Affiliations

- Member Project Management Institute (PMI)

- Past member of the Institute of Electrical and Electronic Engineers (IEEE)

Community Service

- Former member of the Rye Board of Adjustment, Rye, NH
- Former chairman of the Rye Sewer Committee, Rye, NH
- Former Director of Civil Defense, Rye, NH
- Past Treasurer of the New Hampshire Seacoast Anti-Pollution League
- Past President of the New Hampshire Seacoast Anti-Pollution League
- Co-founder, Rye Youth Soccer League, Rye, NH
- Former Coach, Rye Little League, Rye, NH

Recreational Interests

- Culinary arts
- Writing and literature
- Jazz and Blues music
- Sport fishing and lobstering
- Architecture, landscape and gardening



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

11/19/20

APPOINTMENT APPLICATION

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

Committee: Planning Board - Regular Member

Initial applicant

Name: Corey Clark Telephone: 603-724-5964

Could you be contacted at work? YES NO If so, telephone # 603-724-5964

Street address: 152 Essex Ave, Portsmouth, NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): clarkcj7@gmail.com

How long have you been a resident of Portsmouth? 10 years

Occupational background:

I am a professional civil engineer within the Dam Bureau at the New Hampshire Department of Environmental Services.

My responsibilities, include the management of engineering staff, construction crews, contractors, property managers and surveyors in the long-term planning, budgeting, engineering evaluation, design and construction required to reconstruct and rehabilitate 270 state owned dams.

Please list experience you have in respect to this Board/Commission:

I have been an Alternate Member of the Portsmouth Planning Board since March of 2017. I greatly enjoy the work I have done while being an Alternate Member and hope to continue that work as a Regular Member. My experience as a professional engineer has allowed me to understand the complex information presented to members of the Planning Board and to provide thoughtful feedback to applicants during meetings. During my last 3.5 years on the Planning Board I have come to understand how the Planning Board can help to ensure Portsmouth grows in a sustainable manner.



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO

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

Reasons for wishing to serve: As someone with a young family in Portsmouth, I want to see Portsmouth grow in the most sustainable way so that my three children can grow up in a city that they truly cherish and are proud of. The work I do on the Planning Board is to make this possible. Portsmouth is my home and I enjoy doing what I can to make it so that people of all walks of life are also proud to call Portsmouth home as well.

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

Association of State Dam Safety Officials

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

1) Steve Parsons, 160 Essex Ave, Portsmouth, NH 03801 (1-781-254-6145)
Name, address, telephone number

2) Bill Doulie, 140 Essex Ave, Portsmouth, NH 03801 (1-603-502-5950)
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: [Handwritten Signature] Date: 11/18/2020

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

Corey J. Clark

152 Essex Avenue, Portsmouth, NH 03801
603-724-5964 clarkcj7@gmail.com

PROFESSIONAL LICENSURE:

Professional Civil Engineer, New Hampshire License Number 14105

Geotechnical Engineering Focus

EDUCATION:

Master of Science in Civil Engineering, May 2010

University of New Hampshire, Durham, New Hampshire

GPA: 3.93

Bachelor of Science in Civil Engineering, May 2007

University of Maine, Orono, Maine

GPA: 3.59 Magna Cum Laude

EXPERIENCE:

New Hampshire Department of Environmental Services Dam Bureau, Concord, NH

Chief Engineering and Construction Engineer, June 2018 to Present

- Supervises engineers and surveyors in the preparation of engineering plans, specifications, cost estimates and bidding documents for the repair and reconstruction of 270 State of New Hampshire owned dams
- Provides supervisory oversight of construction crews on multiple multi-phased construction projects to ensure projects are designed and built in accordance with standards, schedules and budgets
- Administers contracts with construction contractors and engineering consultants related to reconstruction and repair of both hydroelectric and non-hydroelectric state-owned dams
- Manages the development and implementation of Emergency Action Plans (EAPs), including flowcharts, breach inundation mapping and testing for 66 High Hazard and 26 Significant Hazard State-owned dams
- Collaborates with Dam Bureau administration in satisfying FERC requirements (i.e. Part 12D field inspections, potential failure modes analyses, inundation mapping) at state-owned dams that fall under FERC jurisdiction
- Administers a database of state-owned dams to ensure capital funding is being used to target key priorities for dam repair and reconstruction, based on dam safety reporting and ongoing monitoring programs
- Develops biannual budgets for the state-wide Dam Maintenance Program based on state-wide priorities and available funding, then tracks program spending relative to budget to ensure adherence with these budgets
- Communicates with public groups and individuals on state-owned dam reconstruction and repair projects

New Hampshire Department of Environmental Services Dam Bureau, Concord, NH

Dam Safety Engineer, April 2015 to June 2018

- Conducted field inspections of high, significant and low hazard dams to evaluate existing conditions, identify deficiencies, assess ongoing operations and recommend corrective measures with owners
- Participated in annual and Part 12D field inspections and potential failure modes analyses (PFMAs) at hydroelectric dams with dam safety and FERC personnel
- Reviewed plans, studies, specifications and other technical documents developed for construction and repair of hydroelectric and non-hydroelectric dams and specified changes needed for regulatory compliance
- Inspected dam construction and repair projects to ensure compliance with plans, statutes and regulations
- Reviewed EAPs and inundation studies for significant and high hazard dams for regulatory compliance

S.W. Cole Engineering, Inc., Somersworth, NH

Geotechnical Engineer, March 2012 to March 2015

- Project manager for environmental and geotechnical projects which included project proposal, planning and budgeting, field work oversight, laboratory testing, report preparation and construction inspection

Sanborn Head, and Associates, Inc., Concord, NH and Westford, MA

Project Engineer, June 2010 to March 2012

- Worked on a wide variety of geotechnical evaluation projects including drilling and in-situ testing, instrumentation installation oversight, data collection and evaluation, and report preparation

CIVIC ENGAGEMENT:

City of Portsmouth, NH

- Planning Board Alternate Member – March 2016 to Present

REFERENCES ARE AVAILABLE UPON REQUEST



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Planning Board

Name: Peter B. Harris Telephone: 603 661-0781

Could you be contacted at work? YES / NO If so, telephone# 603 433-2729

Street address: 46 Manning St

Mailing address (if different): _____

Email address (for clerk's office communication): peterbharris@gmail.com

How long have you been a resident of Portsmouth? 28 years

Occupational background:

Sales + Act Mgmt of Insurance Co's in P+C industry,
working insurers to Manage Property + Casualty risk exposures

Please list experience you have in respect to this Board/Commission:

Resident and homeowner in historic district since
1994. Member of Friends of the South End.
Interest / Following of City Projects and developments
in city.



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO NO But discuss w/ Peter Whelan + Rick Beck

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

Reasons for wishing to serve: Common sense approach to supporting healthy, responsible growth and improvements to the city of Portsmouth. Interest to contribute and give back to the development of Portsmouth Community, provide feedback, as resident in the preservation of Portsmouth, respectful development.

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

Friends of the South End, Volunteer @ Foot Prints Food Pantry, South Church Pocket Garden, Property Insurance Alliance, Young Insurance Professionals (YIPN)

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

1) Dave Adams 603-479-1673 ²¹⁰ Gates St, Portsmouth
Name, address, telephone number

2) Peter Whelan, 603-205-5318, 100 Gates St, Portsmouth
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Peter B. Whelan Date: 11/24/2020

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes X No

Please submit application to the City Clerks Office, 1 Jenkins Avenue, Portsmouth, NH 03801



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Planning Board

Initial applicant

Name: Rick Chellman Telephone: 603-479-7195

Could you be contacted at work? YES If so, telephone # same

Street address: 224 State Street, Portsmouth NH 03801

Mailing address (if different): same

Email address (for clerk's office communication): Chellman@TNDEngineering.com

How long have you been a resident of Portsmouth? little over 15 years

Occupational background: please also see CV attached: self-employed licensed land surveyor (NH & ME) and professional engineer (49 jurisdictions); former Director of Design for Smart Growth America, etc.

Please list experience you have in respect to this Board/Commission: I have prior experience serving as a Planning Board member for 9+ years in Tufonboro, NH where I also served as a member of the ZBA and as a Selectman for several years. In addition, my practice has required me to represent clients at literally more than a thousand planning board meetings over the years in NH and elsewhere.

OVER

6/27/2012



Have you contacted the chair of the Board/Commission to determine the time commitment involved? NO

Would you be able to commit to attending all meetings? YES

Reasons for wishing to serve: I think my background and experience can be helpful to the City.

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

I have served on 2 prior blue-ribbon committees in Portsmouth and am a member (Fellow grade) of the Institute of Transportation Engineers and a few other organizations- please see attached CV.

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

1) Hollis Brodrick 171 Washington St, Portsmouth 433-7075

2) Karen Bouffard 87 Richards Avenue Portsmouth 969-4311
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature:  Date: 12/01/2020

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

Chester E. Chellman, P.E., L.L.S.

Chester "Rick" Chellman has more than thirty years of experience in civil engineering design, engineering consulting, traffic engineering and land surveying, land use regulations and development planning. Rick



has site planning, civil and forensic engineering, zoning, expert testimony and land use experience throughout the United States of America and many other countries. In recent years, Rick has worked extensively on the engineering and traffic engineering aspects of Traditional Neighborhood Development (TND), and New Urbanism (NU) particularly concerning the matters of

street design, parking, vehicular and human-powered transportation.

Rick has extensive experience in public participatory planning events. This experience includes participation in numerous charrettes in many US and international locations. Rick also led charrettes to design the new towns of Tongzhou in Beijing, China and Santa Isabel in Guatemala.

Rick was awarded a Knight Fellowship from the University of Miami, and he has lectured at several universities, including New Hampshire, New Mexico, Texas, California and Harvard. Rick often speaks on the topics of street design, transportation and urban design.

Rick has also designed streets and prepared traffic impact analyses throughout the United States, the Middle East, Guatemala, Mexico, Costa Rica, El Salvador, China, Russia and Canada. Rick personally designed all of the streets in the new capital city of Abu Dhabi as he began work on the new Urban Street Design Manual for the Emirate of Abu Dhabi with other team members.

Professional Registrations

Professional Engineer:

Licensed in all of the lower 48 States in the United States, and the District of Columbia.

Licensed Land Surveyor:

Licensed in Maine and New Hampshire

Publications Co-Author/Team Member

- “NACTO Urban Street Design Manual”, NACTO, NY, NY, 2013;
- “Context Sensitive Solutions in Designing Walkable Urban Thoroughfares” Institute of Transportation Engineers, Washington, D.C. Technical Advisor, 2010.
- “Traditional Neighborhood Development Street Design Guidelines” Institute of Transportation Engineers, Washington, D.C. Recommended Practice. Neighborhood Street Design Committee, 1999.
- “Neighborhood Street Design Guidelines” Institute of Transportation Engineers, Washington, D.C. Recommended Practice. Neighborhood Street Design Committee, 2010.
- “Complete Streets Chicago” City of Chicago, Department of Transportation, 2013.
- “Urban Street Design Manual” a design and policy manual for the construction, design and layout of urban streets in the Emirate of Abu Dhabi, United Arab Republic, 2009.
- “Real Urban Intersection Design” Institute of Transportation Engineers Journal, May, 2014.
- “Traffic Calming ePrimer” Online resource of US DOT, Federal Highway Administration (Module 2): https://safety.fhwa.dot.gov/speedmgt/traffic_calm.cfm

- “Development of a Context Sensitive Multimodal Functional Classification System”, National Cooperative Highway Research Program, 2016. This methodology has been incorporated by the American Association of State Highway and Transportation Officials (AASHTO) in the 2018, 7th Edition of AASHTO’s: Policy on Geometric Design of Highways and Streets (the “Green Book”)

Awards

Charter Award, Congress for the New Urbanism, 2006 for the Urban Extension of Crewkerne, UK (Team Member)

ITE Transportation Planning Council Technical Committee Award for Traditional Neighborhood Development Street Design Guidelines as a proposed recommended practice (PRP) in 1998.

Charter Award, Congress for the New Urbanism, 2009 for The Smart Code (Team Member)

Driehaus Form-Based Codes Award, 2010 for City of Peoria Form-Based Code (Team Member)

EPA Programs and Policies Award, 2012 for Portsmouth, Va. Form-Based Code (Team Member)

Driehaus Form-Based Codes Award, 2012 for City of Santa Ana Transit Zoning Code (Team Member)

Municipal Experience

Chairman of the elected Board of Selectmen for the Town of Tuftonboro, New Hampshire; nine-year member of the Tuftonboro Planning Board, including professional assistance in the completion of the Town's Master Plan; and two years' service on the Tuftonboro Zoning Board of Adjustment.

Expert Witness

Expert qualification and testimony as an Engineer and/or Land Surveyor in several venues and jurisdictions including District Court, Superior Court (“Supreme Court” in New York) and Federal District Courts in New Hampshire, Maine, Vermont, New York, Massachusetts, Georgia, California and New Mexico (not all Courts in all jurisdictions).

Memberships:

American Society of Civil Engineers

Charter member, **Congress for the New Urbanism**

Institute of Transportation Engineers (Fellow); member of ITE Transportation Expert Witness, Traffic Engineering, Transit, Transportation Planning, Parking and Pedestrian and bicycle Councils

Resource Council, **Form Based Codes Institute**

Positions Held:

- Founder: White Mountain Survey Company Co. Inc. / White Mountain Survey & Engineering, Inc.
- Founder and Consultant: TND Engineering
- Director of Development: NewMedico Associates, Inc.
- Board Member: White Mountain National Bank
- Board Member: Congress for the New Urbanism (National and New England Chapters)
- Principal: Nelson\Nygaard Consulting Associates
- Director of Design: Smart Growth America

Personal:

Rick is an avid photographer, and he enjoys walking, reading, science and exploring.

**PARKING and TRAFFIC SAFETY COMMITTEE
ACTION SHEET**

8:00 A.M. – November 5, 2020
Remote Meeting via Zoom

PRESENT: City Councilor/Chairman Peter Whelan, City Manager Karen Conard,
Public Works Director Peter Rice, Fire Chief Todd Germain,
Police Captain Mike Maloney
Members: Mary Lou McElwain, Steve Pesci, Jonathan Sandberg,
Harold Whitehouse and Erica Wygonik (Alternate)

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

ACTION ITEM NEEDING APPROVAL BY CITY COUNCIL

- | |
|---|
| <ul style="list-style-type: none">• <u>Request for 30 minute spaces on Court Street near Fleet Street, by Portsmouth Housing Authority (PHA)</u> – On a unanimous roll call 9-0, voted to temporarily designate two spaces as 30 minute parking and one space as handicapped parking in front of the Feaster Apartments during construction, which should be complete in April 2022. |
|---|

1. Chairman Peter Whelan recited that this is a Remote Meeting via Zoom Conference Call. Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor’s Executive Order 2020-04, Section 8, as extended by Executive Order 2020-17, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.
2. Financial Report – **On a unanimous roll call 9-0, voted** to accept and approve the financial report dated September 30, 2020 as presented.
3. Public Comment Session – There were 8 speakers: Janet Thompson (Woodbury Avenue and Bartlett Street), Liza Hewitt (Middle Road traffic calming), Janelle Clark (Middle Road traffic calming), Carl Diemer (Aldrich Road traffic calming & Islington Street traffic), Vince Lombardi (Aldrich Road traffic calming), Andrea Ardito (Albany Street parking and Maplewood Avenue at Northwest Street traffic calming), Alison Petersen (Maplewood Avenue at Northwest Street traffic calming) and Kristen Wilson (Albany Street parking).
4. Request for crosswalk on South Street at Haven Road, by anonymous sender via Portsmouth Click N’ Fix – **On a unanimous roll call 9-0, voted** to place request on file.

5. Request for 30 minute spaces on Court Street near Fleet Street, by Portsmouth Housing Authority (PHA) – **On a unanimous roll call 9-0, voted** to temporarily designate two spaces as 30 minute parking and one space as handicapped parking in front of the Feaster Apartments during construction, which should be complete in April 2022.
6. Request for traffic calming on Maplewood Avenue at Northwest Street, by Alison Petersen – Committee discussed installing a dynamic speed sign on Maplewood Avenue.
7. Coakley Road traffic calming request, by Mary Kepner – **On a unanimous roll call 9-0, voted** to place request on file.
8. Request for South Street traffic calming near Mt. Vernon Street, by Mary Lou McElwain – **On a unanimous roll call 9-0, voted** to refer to staff for recommendations for the entire length of South Street and report back at the next meeting for further discussion.

Public Works Director Peter Rice moved to suspend the rules to allow public comment, seconded by City Manager Karen Conard. **Motion passed.**

There were 2 speakers: Councilor Petra Huda and Guy Spiers

9. Report back on intermediate plans to address parking concerns on Albany Street between Brewery Lane and Cass Street – **On a unanimous roll call 9-0, voted** to table until the next meeting.
10. Report back on short-term traffic calming measures for Bartlett Street area – **On a unanimous roll call 9-0, voted** to implement recommendations by staff for additional signage on Bartlett Street.
11. Report back on traffic volumes and speeds on Woodbury Avenue at Cottage Street – **On a unanimous roll call 9-0, voted** to place request on file.
12. Report back on temporary speed reduction pilot measures for Middle Road – Staff will schedule neighborhood meeting to discuss traffic calming options presented and report back at the next meeting.
13. Report back on previous traffic calming requests and recommendations for Aldrich Road – Staff will schedule neighborhood meeting to discuss traffic calming options presented and report back at the next meeting.
14. Middle Street bike lane peer review status – No Committee discussion.
15. Intersection of Marcy Street and Mechanic Street – No Committee discussion.
16. Monthly accident report, by Police Captain Mike Maloney – No action required.
17. PTS Open Action Items – No action required.

18. December meeting date – December meeting date will be scheduled.

19. Adjournment – At 10:05 a.m., **on a unanimous roll call 9-0, voted to adjourn.**

Respectfully submitted by:
Amy Chastain
Secretary to the Committee

MEETING MINUTES

PARKING and TRAFFIC SAFETY COMMITTEE

8:00 A.M. – November 5, 2020

Remote Meeting via Zoom

I. CALL TO ORDER:

Chairman Peter Whelan called the meeting to order at 8:00 a.m.

II. ATTENDANCE BY ROLL CALL:

Members Present:

City Councilor/Chairman Peter Whelan

City Manager Karen Conard

Public Works Director Peter Rice

Fire Chief Todd Germain

Police Captain Mike Maloney

Mary Lou McElwain

Steve Pesci

Jonathan Sandberg

Harold Whitehouse

Erica Wygonik (Alternate)

City Staff Present:

Parking and Transportation Engineer Eric Eby

Parking Director Ben Fletcher

Planning Director Juliet Walker

III. FINANCIAL REPORT:

Harold Whitehouse moved to accept and approve the financial report as presented, seconded by Mary Lou McElwain. **On a unanimous roll call, motion passed 9-0.**

IV. PUBLIC COMMENT:

Janet Thompson spoke to Woodbury Avenue and Bartlett Street. She commented that she was concerned about the corner intersection with the guardrail because people go around it at a high speed. She opposes installing chokers because that would remove on-street parking. The residents don't want to remove parking. Too many cars are going down Bartlett Street.

Liza Hewitt spoke to Middle Road traffic calming. She supported trying a pilot program, but hoped that lowering the speed limit was still being considered. The traffic calming measures should apply to the entire road.

Janelle Clark spoke to Middle Road traffic calming. She thanked the Committee for coming up with traffic calming options and asked if they could be extended to Lafayette Park to make it a safer walk for pedestrians. The data presented looked like most cars were going 30 mph or higher. The speed limit should be lowered to 25 mph. It is a densely populated street with a lot of children.

Carl Diemer spoke to Aldrich Road traffic calming. He spoke to the neighborhood petition sent to the Committee about the speeding issue on Aldrich Road. Mr. Diemer requested the

installation of stop signs or speed tables to help slow traffic. Neighbors are concerned and would like the traffic calmed. The speed limit signs installed do not seem to have slowed traffic. Police monitoring is not a long-term solution.

Vince Lombardi spoke to Aldrich Road traffic calming. He echoed Mr. Diemer's comments. They got signatures from most Aldrich Road residents in order to get action on this traffic calming measure. Mr. Lombardi thought the speed tables were a good solution because they don't need enforcement.

Andrea Ardito spoke to the Albany Street parking issue. She commented that the stores were not aware of the three-space option until it was presented on the agenda. This will not work because the private plow for that property will not be able to access the area during snow fall. The two businesses also have large pieces of furniture coming in and out of the stores. The option presented would not work.

Alison Petersen spoke to Maplewood Avenue at Northwest Street traffic calming. She commented that cars are speeding on Maplewood Avenue heading toward the Bypass. The City completed work on Maplewood Avenue with speed bumps and signs flashing speeds. These measures could help this section of Maplewood Avenue. The crosswalk at Dennett Street seems to be ignored. Cars do not stop for pedestrians.

Carl Diemer spoke a second time about Islington Street traffic. He commented that the impact of the construction and density on Islington Street has created a big change in the traffic pattern. That should be considered when reviewing the Aldrich Road traffic calming request.

Kristen Wilson spoke to the Albany Street parking. She reiterated Ms. Ardito's comments. The three-space option will not work because of the plow and other issues mentioned.

Andrea Ardito spoke a second time about the Maplewood Avenue at Northwest Street traffic calming request. She supported Ms. Peterson's comments. The cars are speeding and calming would be appreciated.

V. NEW BUSINESS:

A. Request for crosswalk on South Street at Haven Road, by anonymous sender via Portsmouth Click N' Fix. Eric Eby commented that the request was for a crosswalk on South Street at Haven Road. He stated sightlines are not great because of a bend in the road. There are crosswalks on South Street in that area. The crosswalk at South Street and Clough Drive has a crossing guard during school hours. He did not observe many pedestrians trying to cross at this location. Too many crosswalks too close together can be problematic. The recommendation right now is to place the request on file.

Harold Whitehouse commented that this area should be monitored because the farmers market is in Little Harbor School area now and it is busy. City Manager Karen Conard commented that the farmer's market was temporarily located at the school. The intention is to move it back to the original location next year.

Erica Wygonik commented that sightlines are better here than at Bracket Lane. However, having crosswalks too close together would be problematic. A crosswalk can give a false

sense of safety. If there is more growth it may make sense to put in a sidewalk on South Street on that side.

Steve Pesci agreed with previous comments. This is not an appropriate spot for a crosswalk. The City should be looking at sidewalks on the south side of the street.

Harold Whitehouse moved to place request on file, seconded by Mary Lou McElwain. On a unanimous roll call, motion passed 9-0.

B. Request for 30 minute spaces on Court Street near Fleet Street, by Portsmouth Housing Authority (PHA). Eric Eby commented that the three spaces would be in front of the Feaster Apartments on Court Street. New construction has taken up a lot of room on-site, so there is not a lot of area for people to park. The request is to change the meters to 30-minute parking for two spaces. The third space would be a handicap space.

Public Works Director Peter Rice questioned if the request was temporary. Eric Eby confirmed that it was a temporary request while construction was happening on-site.

Harold Whitehouse questioned if the proposed time was long enough. Portsmouth Housing Authority Director Craig Welch responded that the purpose of these spots would be to allow for Feaster Apartment residents to have spaces for pick-ups and drop offs. The spaces would not be accommodating any construction traffic.

Erica Wygonik questioned if this would negatively impact other business in the area. Public Works Director Peter Rice responded that there was good parking inventory along the street and the Parrot Avenue parking lot is nearby.

Chairman Peter Whelan supported this request because it would be a convenience for the Feaster residents.

Mary Lou McElwain also supported the request. It is important for the Feaster residents to have a space for pick-ups and drop offs. She questioned if these spaces would be reserved for Feaster residents. Chairman Peter Whelan responded that the 30-minute time limit would create enough turnover.

Erica Wygonik questioned if the handicap space would also have a 30-minute time limit. Chairman Peter Whelan responded that it would not.

Steve Pesci moved to temporarily designate two spaces as 30-minute parking and one space as handicapped parking in front of the Feaster Apartments during construction, which should be complete in April 2022, seconded by Harold Whitehouse. On a unanimous roll call, motion passed 9-0.

C. Request for traffic calming on Maplewood Avenue at Northwest Street, by Alison Petersen. Eric Eby commented that they put out a traffic recorder and got speed and traffic volume data. The average speed is 26 mph and the 85th percentile is 30 mph. On average, cars are traveling near the speed limit, with some high-speed exceptions. Speed tables are not appropriate for arterial roadways. Adding more signage, striping or bollards would be more appropriate.

Public Works Director Peter Rice requested that Eric Eby explain who defines the type of road. Eric Eby responded the functional classification is set by the State and regional planning commission so that roads are treated and funded equally throughout the nation. It's not something the City can change on its own unless something about the roadway significantly changed.

Harold Whitehouse commented that the raised pavement on Woodbury Avenue is working. It may make sense to have money in the Capital Improvement Plan (CIP) for raised pavement citywide.

Steve Pesci requested that Eric Eby give an explanation of the 85th percentile speed. Eric Eby responded that the 85th percentile means that 85% of traffic is traveling at that speed or slower. Only 15% is traveling faster. That method is used to set speed limits on roadways. If the City followed that standard for this road, then the speed limit would be 30 mph instead of 25 mph. Eric Eby clarified that he was not suggesting raising the speed limit.

Chairman Peter Whelan questioned if there was a plan to replace the Maplewood Avenue Bridge. Public Works Director Peter Rice responded that it was listed as a high priority bridge by the State. The challenge is the State bridge funding is a decade or two out. The City will likely need to do interim repairs to the bridge. Those are in design now and they have recommendations coming from the engineers. There will not be any streetscape improvements. There are utility lines that go through there so getting 80% covered by the State is a huge benefit to the City. Maplewood Avenue has the final pavement completed and the striping and pavement markings will be done when it is warm enough. The intent is when the bridge project is done the balance of the roadway will be completed as well. There are a lot of demands out there for improvement and it's expensive. Speed tables are expensive and they require maintenance.

Jonathan Sandberg commented that it was a scary corridor because of the sightlines. The sidewalk is too narrow. Barrels or bollards may be appropriate here to slow cars and make pedestrians feel safe. He questioned if the designation of arterial continues for the whole of Maplewood Avenue or just the section between the Bypass. Eric Eby responded that it was an arterial classification from the Bypass into town. The other side of the Bypass is classified as a collector. That's why speed tables are allowed because the traffic volumes are less.

Chairman Peter Whelan questioned if a light at that intersection would be appropriate. Eric Eby responded that there were concerns about the grade approaching it. There is not a lot of side street traffic, so it may not meet the minimum volume warrants.

Steve Pesci questioned if there were dynamic speed signs in that area. Eric Eby responded that there were not. Steve Pesci noted that may be a quick and somewhat inexpensive strategy. Eric Eby agreed.

Chairman Peter Whelan agreed they should try the dynamic speed sign and monitor from there.

Mary Lou McElwain commented that the speed limit sign should be at the same site as the dynamic sign. Then drivers know what speed they are driving and what the speed limit is. The dynamic speed limit signs in Portsmouth are too small and a lot of the times are not working. Eric Eby confirmed they were required to put the sign near a posted speed limit sign.

D. Coakley Road traffic calming request, by Mary Kepner. Eric Eby commented that this location is off the Bypass and runs parallel to Borthwick Avenue. A traffic counter was installed to monitor traffic. Data shows that the average speed was 22 mph and the 85th percentile was 29 mph. The posted speed is 20 mph, but the Ordinance is not listed as 20 mph, so it would be 30 mph by default. The long roadway lends to speeding. The cars going in the area are residents because the road is a closed loop. Cars tend to go 30 mph coming into the neighborhood and 20 mph going out. This could be addressed by making the official speed limit 20 mph. The City could try traffic calming by diverting traffic at the intersection to go down the loop in a one-way pattern.

Steve Pesci noted that they were trying to avoid 20 mph speed limits because it was below the State minimum. Eric Eby agreed that 25 mph would be a more appropriate speed limit.

Public Works Director Peter Rice moved to place request on file, seconded by Harold Whitehouse.

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

E. Request for South Street traffic calming near Mt. Vernon Street, by Mary Lou McElwain. Eric Eby commented that residents are concerned about speed in this area. The traffic recorder showed that traffic on the curve is speeding. The average speed is 25 mph, the 85th percentile speed is 29 mph, and speed limit is 20 mph. The City could paint the 20 mph in large pavement markings on the street.

Mary Lou McElwain commented that speeds used to be enforced better than it has been in the past 6 years. The volume of traffic throughout the City has increased. Enforcement is important. A slow down sign could be painted on the pavement. The street needs a dynamic speed limit sign. It should be similar to the signs in Kittery on Route 1 near the Lion's Club. Pedestrian traffic has increased due to the pandemic. This is a safety concern for residents and pedestrians.

Harold Whitehouse asked if the City had durable paint for the roadway markings. Public Works Director Peter Rice confirmed they did and explained the difference between the two types of pavement markings available.

Erica Wygonik agreed that people go around the corner too fast and sightlines are constrained. The data here is similar to the data on Coakley Road. Feedback signs are a good idea. The road is already narrow and people still go fast. The Committee has talked about mapping speeds in town and what that would mean for standardizing speeds in the future.

Mary Lou McElwain commented that there are three schools on South Street, which lends to a lot of pedestrian traffic. The difference between Coakley Road and South Street is the high usage of sidewalks and the street. People park on both sides of South Street from New Castle Avenue to Junkins Avenue. People use that as a traffic calming tactic, but it does not seem to do anything. She expressed concern for pedestrian and bicycle traffic on South Street.

Steve Pesci commented that this highlights the hierarchy of speeds issue. South Street is 20 mph, which is artificially low. It should be 25 mph. People are desensitized to the excess

posting of artificially low speed limits signs. However, this section, from Junkins to Marcy, should be 20 mph. Maybe the rest of South Street should not.

Public Works Director Peter Rice commented that there is commercial truck traffic along this roadway. Whatever treatments are applied need to accommodate the large trucks that use South Street to access New Castle.

Harold Whitehouse requested assigning a police car for enforcement on a part-time basis. Police Captain Mike Maloney confirmed that could be done.

Mary Lou McElwain noted that a free-standing speed feedback sign should be installed to monitor the area. She requested that the people driving City vehicles drive the speed limit to help set an example for the public.

**Public Works Director Peter Rice moved to suspend the rules to allow public comment, seconded by City Manager Karen Conard.
On a unanimous roll call, motion passed 9-0.**

Councilor Petra Huda commented that the Committee should consider the whole area when considering South Street. There are trucks using roads out to New Castle. They have to use South Street now because Pleasant Street is too narrow. The whole area should be considered.

Chairman Peter Whelan noted that big trucks cannot go over the bridge from Rye, so this is the only way for them to get to New Castle.

Guy Spiers commented that there was a lot of pedestrian traffic. It's hard to get out in either direction because traffic is too busy. Mr. Spiers supported controlling traffic.

**Mary Lou McElwain moved to refer to staff for recommendations for the entire length of South Street and report back at the next meeting for further discussion, seconded by Harold Whitehouse.
On a unanimous roll call, motion passed 9-0.**

VI. OLD BUSINESS:

A. Report back on intermediate plans to address parking concerns on Albany Street between Brewery Lane and Cass Street. Chairman Peter Whelan noted that the Committee got feedback during public comment. This item should be tabled to the next meeting.

**Public Works Director Peter Rice moved to table until the next meeting, seconded by Mary Lou McElwain.
On a unanimous roll call, motion passed 9-0.**

B. Report back on short-term traffic calming measures for Bartlett Street area. Eric Eby commented that the posted speed is 20 mph. The average speed was 25-29 mph. He stated 25 mph is probably a more appropriate speed limit. People are running the four-way stop sign at Bartlett Street and Thornton Street because the traffic volumes are so different. There is so much more traffic on Bartlett Street than the other side streets. They can reinforce the four-way stop by installing a stop ahead sign on Bartlett Street at Meredith Way and

installing a second stop sign on the other side of the street of Bartlett Street and Thornton Street. He stated it has been hard to get a consensus from the neighborhood about measures they want to see implemented.

Jonathan Sandberg commented it would be good to see something more aggressive. The bollards that were installed last year were good. Bollards provided a sense of security. Signage won't hurt but it is not enough.

Steve Pesci commented that if more vehicles did the full truck route, then it would alleviate the amount of turns onto Thornton Street. Jonathan Sandberg commented that cars turn left to eliminate an extra stop sign. Eric Eby added that they looked at ways to keep traffic on Bartlett Street. Thornton Street is listed in the Ordinance as a one-way street, but when that was proposed there was resistance from the residents. The people leading the neighborhood group requested that the bollards not be used.

**Harold Whitehouse moved to implement recommendations by staff for additional signage on Bartlett Street, seconded by Mary Lou McElwain.
On a unanimous roll call, motion passed 9-0.**

C. Report back on traffic volumes and speeds on Woodbury Avenue at Cottage Street.
Eric Eby commented that the traffic camera was installed to count traffic and observe speeds. The average speed was 18 mph and the 85th percentile speed was 21 mph. The fastest speed recorded was at 33 mph. The problem is that the blind corner has a lot of traffic. A two-way stop at Cottage Street would not be appropriate because there is four times more traffic on Woodbury Avenue than Cottage Street. There is no recommendation at this point because the data is not showing a speed issue and the traffic volume doesn't justify a two-way stop. Residents were opposed to chokers because it would remove on-street parking.

Jonathan Sandberg commented that they should put chokers further up Woodbury Avenue. He stated it would slow down cars before the curve.

Steve Pesci commented that they should evaluate this issue after the Cate Street connector is open.

**Harold Whitehouse moved to place request on file, seconded by Steve Pesci.
On a unanimous roll call, motion passed 9-0.**

D. Report back on temporary speed reduction pilot measures for Middle Road.
Eric Eby commented that the posted speed is 30 mph. The average recorded speed was 33 mph and the 85th percentile speed was 38 mph. Speeds are in excess of 30 mph. Middle Road is an arterial road carrying traffic from the highway into town. Installing barrels or bollards could slow down vehicles. They can be on the side or in the middle of the road. Bollards could narrow lanes from 11 feet to 10 feet. Another option could include bollards and signage to make a pinch point.

Harold Whitehouse requested the City move slow on this issue because of how some residents feel about bollards.

Jonathan Sandberg agreed that they should bring this to the neighborhood and let them decide. He questioned if the City could install something more appealing than bollards. Public

Works Director Peter Rice responded that all measures must be compliant with the Manual on Uniform Traffic Control Devices (MUTCD).

Erica Wygonik spoke in favor of the ideas presented. She commented that they should consider installing a crosswalk where the green paint markings at the bump-out are shown.

Mary Lou McElwain requested that the Committee members be invited to the neighborhood meeting.

Public Works Director Peter Rice commented that the goal was to have the neighborhood meeting before the next PTS meeting. He stated staff will schedule the neighborhood meeting to discuss traffic calming options presented and report back at the next PTS meeting.

E. Report back on previous traffic calming requests and recommendations for Aldrich Road. Eric Eby commented that they measured speeds at 25-30 mph. He stated stop signs should not be used as traffic calming measures. Speed tables on Maplewood Avenue are effective at lowering speeds to 25-30 mph. Presently, speeds on Aldrich Road are at 25-30 mph. He stated the speed limit signs were made larger and the yellow centerline was removed to make it look less like a highway. It's a nice straight road with 1,000 cars a day because it connects two arterial roads. There were traffic calming measures proposed about 10 years ago, but those weren't implemented because residents didn't express their approval at the time. The City can install barrels down the middle of the road to slow traffic speeds.

Chairman Peter Whelan commented that they needed to meet with neighborhood to discuss.

Harold Whitehouse requested that a police cruiser be stationed there for a period of time to monitor speeding.

Public Works Director Peter Rice commented that this was an interesting historical example of traffic calming measures process. This road was the first to go through major traffic calming design efforts. The City did major reconstruction of the roadway and brought a number of alternatives to residents like a median strip. At the time residents were adamantly against it. This is an example of the challenges the City faces. State Street was narrowed in certain places, which people were also against. However, after a while it became normal. Issues like this are challenging for residents and equally challenging for staff. Some of these actions may be perceived as excessive initially, but will actually make a positive difference.

Steve Pesci commented that it was good to have the historical perspective. The City spent a lot of money on that corridor and the data doesn't support the speeding concerns.

Mary Lou McElwain requested that police enforcement be included when discussing speeding concerns. Speed is always a major issue and law enforcement should be included in all discussions.

Staff will schedule a neighborhood meeting to discuss traffic calming options presented and report back at the next meeting.

Chairman Peter Whelan noted that they needed to wrap up the meeting because several members needed to leave for another meeting.

VII. INFORMATIONAL:

- A. Middle Street bike lane peer review status. No Committee discussion.
- B. Intersection of Marcy Street and Mechanic Street. No Committee discussion.
- C. Monthly accident report, by Police Captain Mike Maloney. No Committee discussion.
- D. PTS Open Action Items. No Committee discussion.

VIII. MISCELLANEOUS:

- A. December meeting date. Staff will contact members about the December meeting date.

IX. ADJOURNMENT:

Jonathan Sandberg moved to adjourn at 10:05 a.m., seconded by Harold Whitehouse.
On a unanimous roll call, motion passed 9-0.

Respectfully submitted by:

Becky Frey
PTS Recording Secretary

PORTSMOUTH POLICE COMMISSION

MEMORANDUM

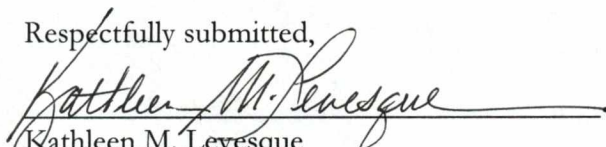
DATE: NOVEMBER 25, 2020
TO: KAREN CONARD, CITY MANAGER
FROM: JOSEPH ONOSKO, PORTSMOUTH POLICE COMMISSION
MARK D. NEWPORT, CHIEF OF POLICE
RE: GRANT

At the November 24, 2020 Police Commission meeting, the Board of Police Commissioners accepted the following grant:

1. Grant:
 - a. \$17,641 in New Hampshire Highway Safety Grants for dedicated patrol enforcement operations from the NH Office of Highway Safety.

We submit the information to you pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at their December 7, 2020 meeting. We respectfully request this item be placed on the City Council meeting agenda for the December 7, 2020 regular City Council meeting.

Respectfully submitted,


Kathleen M. Levesque
Office of the Chief

Attachments: Notice of Award

copies: Board of Police Commissioners
Finance Director Judie Belanger

Admin. Mgr. Karen Senecal
Business Asst. Tammie Perez

OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT FFY2021

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

GENERAL PROVISIONS

Grant Agreement Title: Portsmouth Highway Safety Grant FY 21

Grant Agreement #: 21- 155

1. Identification and Definitions.

1.1. State Agency Name New Hampshire Department of Safety Office of Highway Safety		1.2. State Agency Address 33 Hazen Drive, Room 208 Concord, NH 03305	
1.3. Subrecipient Name Portsmouth Police Department		1.4. Subrecipient Address 3 Junkins Avenue, Portsmouth, NH 03801	
Chief of Police Name: Robert Merner Grant Contact Name: Karen Senecal		Chief of Police email: rmerner@cityofportsmouth.com Grant Contact's email: ksenecal@cityofportsmouth.com	
1.4.1 Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify)) Town Government		1.4.2 DUNS # 073976706 UEI #	Exp Date: 07/02/2021 Exp Date:
1.5. Subrecipient Phone # 603-610-7416	1.6. Effective Date TBD	1.7. Completion Date September 30, 2021	1.8. Grant Limitation \$ 17,641.00 <small>(Total amount of Federal funds obligated to the Subrecipient (2 CFR § 200.331(a)(1)(vii))</small>
1.9. Grant Officer for State Agency LuAnn Speikers		1.10. State Agency Telephone Number 603-271-2197	
"By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b."			
1.11. Subrecipient Signature 1 _____ Subrecipient Signature 2 _____ Subrecipient Signature 3 _____		1.12. Name & Title of Subrecipient Signor 1 _____ Signor 2 _____ Subrecipient Signor 3 _____	
1.13. Acknowledgment: State of New Hampshire, on / / , before the undersigned officer, personally appeared the person(s) identified in block 1.11., and acknowledged that (actorily proven) to be the person(s) whose name is signed in in the capacity indicated in block 1.12.			
1.13.1. Signature of Notary Public (Seal) _____		1.13.2 Name & Title of Notary Public or Justice of the Peace _____	
1.14 State Agency Signature 1 X _____ Date: _____		1.15 Name & Title of State Agency Signor 1 Robert L. Quinn, Commissioner NH Department of Safety	
1.16. Approval by Attorney General (Form, Substance and Execution) (if G & C approval required) By: _____ Assistant Attorney General, On: / /			
1.17. Approval by Governor and Council (if applicable) By: _____ On: / /			

Signatures are sought after acceptance of the grant

2. SCOPE OF WORK In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (hereinafter referred to as "the State"), pursuant to RSA 21-P:55-63, the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT B (the scope of work being hereinafter referred to as "the Project").

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

4. EFFECTIVE DATE: COMPLETION OF PROJECT

4.1 This Agreement, and all obligations of the parties hereunder, shall become effective on the date of approval of this Agreement by the Governor and Council of the State of New Hampshire if required (block 1.17), or upon signature by the State Agency as shown in block 1.15.

4.2 Except as otherwise specifically provided herein, the Project, including all reports required by this Agreement, shall be completed in ITS entirety prior to the date in block 1.7 (hereinafter referred to as "the Completion Date").

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

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

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

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

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

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

6. COMPLIANCE BY SUBRECIPIENT WITH LAWS AND REGULATIONS In connection with the performance of the Project, the Subrecipient shall comply with all statutes, laws, regulations, and orders of federal, state, county, or municipal authorities which shall impose any obligations or duty upon the Subrecipient, including the acquisition of any and all necessary permits.

7. RECORDS and ACCOUNTS

7.1 Between the Effective Date and the date three (3) years after the Completion Date the Subrecipient shall keep detailed accounts of all expenses incurred in connection with the Project, including, but not limited to, costs of administration, transportation, insurance, telephone calls, and clerical materials and services. Such accounts shall be supported by receipts, invoices, bills and other similar documents.

7.2 Between the Effective Date and the date three (3) years after the Completion Date, at any time during the Subrecipient's normal business hours, and as often as the State shall demand, the Subrecipient shall make available to the State all records pertaining to matters covered by this Agreement. The Subrecipient shall permit the State to audit, examine, and reproduce such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, data (as that term is hereinafter defined), and other information relating to all matters covered by this Agreement. As used in this paragraph, "Subrecipient" includes all persons, natural or fictional, affiliated with, controlled by, or under common ownership with, the entity identified as the Subrecipient in block 1.3 of these provisions.

8. PERSONNEL

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

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

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

DATA: RETENTION OF DATA: ACCESS

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

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

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

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

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

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

11. EVENT OF DEFAULT: REMEDIES

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

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

11.1.2 Failure to submit any report required hereunder; or

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

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

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

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

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

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

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

TERMINATION

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

12.2 In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall entitle the

Subrecipient to receive that portion of the Grant amount earned to and including the date of termination.

12.3. In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall in no event relieve the Subrecipient from any and all liability for damages sustained or incurred by the State as a result of the Subrecipient's breach of its obligations hereunder.

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

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

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

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

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

17. INSURANCE AND BOND

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

17.1.1 Statutory workmen's compensation and employees liability insurance for all employees engaged in the performance of the Project, and

17.1.2 Comprehensive public liability insurance against all claims of bodily injuries, death or property damage, in amounts not less than \$1,000,000 per occurrence and \$2,000,000 aggregate for bodily injury or death any one incident, and \$500,000 for property damage in any one incident; and

17.2. The policies described in subparagraph 17.1 of this paragraph shall be the standard form employed in the State of New Hampshire, issued by underwriters acceptable to the State, and authorized to do business in the State of New Hampshire. Each policy shall contain a clause prohibiting cancellation or modification of the policy earlier than ten (10) days after written notice thereof has been received by the State.

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

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

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

21. CONSTRUCTION OF AGREEMENT AND TERMS This Agreement shall be construed in accordance with the law of the State of New Hampshire, and is binding upon and extends to the benefit of the parties and their respective successors and assignees. The captions and contents of the "subject" blank are used only as a matter of convenience, and are not to be considered a part of this Agreement or to be used in determining the intent of the parties hereto.

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

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

SPECIAL PROVISIONS

U.S. Department of Transportation/NHTSA Grant Conditions:

As a result of participating in Federal highway safety grant programs administered by National Highway Traffic Safety Administration (NHTSA) and the US Department of Transportation (USDOT), highway safety subrecipients are required to comply with the following documents:

- Subrecipients agree to comply with all applicable elements of NHTSA's Memorandum: Use of NHTSA Highway Safety Grant Funds for Certain Purchases May 18, 2016 and found at the following Web link.: <https://www.nhtsa.gov/highway-safety-grants-program/resources-guide>. Subrecipients should pay particular attention to the sections on (1) allowable costs for equipment, travel, training, and consultant services; and (2) unallowable costs for equipment, facilities and construction, training and program administration.
- Subrecipients agree to comply with all applicable elements of 2 CFR 200 - the **Uniform Administrative Requirement for Grants, Cost Principles, and Audit Requirements** as promulgated by the U.S. Department of Transportation. This document is found at the following Web link <https://www.nhtsa.gov/highway-safety-grants-program/resources-guide>.
- If the subrecipient is subject to a single-audit finding, they shall notify the NH Office of Highway Safety within 30 days. The subrecipient has six months to resolve any findings.
- Subrecipients agree to comply with all applicable Federal basic and incentive grant program requirements as outlined in the **Highway Safety Grant Management Manual** found at the following Web link: <https://www.nhtsa.gov/highway-safety-grants-program>. This document provides information on each of the grant programs.

The following additional provisions apply to highway safety subrecipients as a result of certifications and assurances provided to NHTSA by State Highway Safety Offices in their Highway Safety Plan:

GENERAL REQUIREMENTS

The State will comply with applicable statutes and regulations, including but not limited to:

- 23 U.S.C. Chapter 4 – Highway Safety Act of 1966, as amended
 - Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94
 - 23 CFR part 1300 – Uniform Procedures for State Highway Safety Grant Programs
 - 2 CFR part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
 - 2 CFR part 1201 – Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010, https://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf by reporting to FSRS.gov for each subaward:

- Name of the entity receiving the award;
- Amount of the award;
- Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source;
- Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; and an award title descriptive of the purpose of each funding action;
- A unique identifier (DUNS);
- The names and total compensation of the five most highly compensated officers of the entity if:
 - (I) the entity in the preceding fiscal year received—
 - 80 percent or more of its annual gross revenues in Federal awards;
 - \$25,000,000 or more in annual gross revenues from Federal awards; and
 - (II) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986;
- Other relevant information specified by OMB guidance.

NONDISCRIMINATION

(applies to subrecipients as well as States)

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination ("Federal Nondiscrimination Authorities"). These include but are not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. 324 *et seq.*), and Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. 6101 *et seq.*), (prohibits discrimination on the basis of age);

- The Civil Rights Restoration Act of 1987, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100).

The State highway safety agency—

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted;
- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non- Discrimination Authorities identified in this Assurance;
- Agrees to comply (and require its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Agrees to insert in all contracts and funding agreements with other State or private entities the following clause:

"During the performance of this contract/funding agreement, the contractor/funding recipient agrees—

- To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein;
- To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
- To insert this clause, including paragraphs (a) through (e), in every subcontract and sub agreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

The State will provide a drug-free workplace by:

- Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- Establishing a drug-free awareness program to inform employees about:
 - The dangers of drug abuse in the workplace;
 - The grantee's policy of maintaining a drug-free workplace;
 - Any available drug counseling, rehabilitation, and employee assistance programs;
 - The penalties that may be imposed upon employees for drug violations occurring in the workplace;

5. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- c. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-
 1. Abide by the terms of the statement;
 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- d. Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an employee or otherwise receiving actual notice of such conviction;
- e. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted –
 1. Taking appropriate personnel action against such an employee, up to and including termination;
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

POLITICAL ACTIVITY (HATCH ACT)
(applies to subrecipients as well as States)

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING
(applies to subrecipients as well as States)
Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING
(applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct

communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION
(applies to subrecipients as well as States)

Instructions for Primary Tier Participant Certification (States)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency may terminate the transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Tier Covered Transactions

- (1) The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
- (2) Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA ACT
(applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE
(applies to subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

POLICY ON SEAT BELT USE

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at www.trafficsafety.org. The NHTSA website (www.nhtsa.gov) also provides information on statistics, campaigns, and program evaluations and references.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or rented vehicles, Government-owned, leased or rented vehicles, or privately-owned vehicles when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

CASH MANAGEMENT

Cash draw-downs will be initiated only when actually needed for disbursement (i.e., as close as possible to the time of making disbursements). Cash disbursements and balances will be reported in a timely manner as required by NHTSA. 2 CFR Part 200.305.

For subrecipients, recipients must establish reasonable procedures to ensure the receipt of reports on subrecipients' cash balances and cash disbursements in sufficient time to enable them to prepare complete and accurate cash transactions reports to the awarding agency. Recipients must monitor cash draw-downs by their subrecipients to assure that they conform substantially to the same standards of timing and amount as apply to advances to the recipients. 2 CFR 200.305. Failure to adhere to these provisions may result in the termination of draw-down privileges.

OFFICE OF MANAGEMENT AND BUDGET GRANT CONDITIONS

The following documents issued by the Office of Management and Budget (OMB) apply to all Federal grants regardless of the Federal Department making them available:

- **Audit Requirement of Federal Funds:** 2 CFR part 200, subpart F (formerly known as OMB Circular A-133) – These requirements apply to each non-profit organization, each institution of higher education, and local governments as a whole when they or one of their departments receives federal funds. Any non-profit organization, institution of higher education, or local government spending more than \$750,000 in federal funds *from all sources* within a 12-month period must have an audit performed on the use of the funds. OGR defines the 12-month period as July 1 to June 30. The following link provides the full text of this basic federal grant requirement: <https://www.nhtsa.gov/highway-safety-grants-program/resources-guide>.
- **Cost Principles for Federal Grants to State and Local Governments**
 - 2 CFR 200 subpart E – These requirements apply only to state and local government subrecipients. These regulations list and define general categories of costs that are both allowable and unallowable. Examples include the following:
 - The cost of alcoholic beverages is unallowable.
 - Costs incurred by advisory councils are allowable.
 - Audit costs are allowable.

- Compensation costs are allowable so long as they are consistent with that paid for similar work in other activities of the local government.
 - Entertainment costs are unallowable.
 - Equipment costs are allowable with the prior approval of the HSO. Equipment having a useful life of more than one year or a current per-unit fair market value of \$5,000 or more must be tracked. When replacing equipment purchased with federal funds, the equipment to be replaced may be used as a trade-in or can be sold with the proceeds used to offset the cost of the replacement equipment. In addition, during the period of the contract with HSO, insurance on the equipment is allowable.
 - Travel costs are allowable if pre-approved by the HSO and so long as they are consistent with those normally allowed in like circumstances for non-federally funded activities.
- **Cost Principles for Federal Grants to Non-Profit Organizations and Institutions of Higher Education** - These requirements apply to only the non-profit and higher education sub recipients. These document list and define general categories of costs that are allowable and unallowable. The links below provide the full text of these two basic federal grant requirements.
 - 2 CFR 200 subpart E
 - **Indirect cost rate** (if any) are allowable for the Federal award (including if the de minimis rate is charged per 2 CFR § 200.414 - Indirect (Facilities and Administration) costs) (2 CFR § 200.331(a)(1)(xiii)); and An approved Federally-recognized indirect cost rate (if any) negotiated between the subrecipient and the Federal government or, if no such rate exists, either a rate negotiated between the pass-through entity (SHSO) and the subrecipient, or a 10 percent de minimis indirect cost rate as defined in 2 CFR § 200.414 - Indirect (F&A) costs, paragraph (b) (2 CFR § 200.331(a)(4)).

CONTRACT PROVISIONS FOR NON-FEDERAL ENTITY CONTRACTS UNDER FEDERAL AWARDS

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small

Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and sub grants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See §200.322 Procurement of recovered materials.

SPECIAL PROVISION-NH OFFICE OF HIGHWAY SAFETY

- (A) In the event of any conflict or ambiguity between the provisions of the Subrecipient's application and the provisions of the Office of Highway Safety Grant Agreement, including applicable EXHIBITS A and B, the provisions of the Grant Agreement shall govern.
- (B) The NH Office of Highway Safety (OHS) will review all reports and certifications received to ensure compliance. If findings specific to Highway Safety Programs are detected within an agency's Single Audit, appropriate action shall be taken to ensure that identified sub recipient risks are being timely and appropriately corrected.

I understand that failure to comply with applicable Federal statutes and regulations may subject State officials to civil or criminal penalties and/or place the State in a high risk grantee status in accordance with 2 CFR 200.

I sign these Certifications and Assurances based on personal knowledge, after appropriate inquiry, and I understand that the Government will rely on these representations in awarding grant funds.

Authorized Contract Signatory: _____ **Date:** _____

Signor's Printed Name: _____ **Signor's Title:** _____

EXHIBIT A

FFY2021 OHS Grant Award		
Project Titles	Federal Budget	Minimum Match Required
SPEED ENFORCEMENT PATROLS PSP & Task 21-02-04 FAST Act 402 - CFDA: 20.600 FAIN Number (Subaward): 69A37520300004020NH0, 69A37521300004020NH0	\$ 3,887.00	\$ 971.75
DUI ENFORCEMENT PSP & Task 21-07-04 FAST Act 402- CFDA: 20.600 FAIN Number (Subaward): 69A37520300004020NH0, 69A37521300004020NH0	\$ 4,960.00	\$ 1,240.00
DISTRACTED DRIVING PSP & Task 21-04-04 FAST Act 402 - CFDA: 20.600 FAIN Number (Subaward): 69A37520300004020NH0, 69A37521300004020NH0	\$ 2,494.00	\$ 623.50
PEDESTRIAN BICYCLE PSP & Task 21-06-04 FAST Act 405h - CFDA: 20.616 FAIN Number (Subaward): 69A3751830000405hNH0	\$ 2,900.00	\$ 725.00
JOIN THE NH CLIQUE PSP & Task 21-01-04 FAST Act 402 - CFDA: 20.600 FAIN Number (Subaward) : 69A37520300004020NH0, 69A37521300004020NH0	\$ 850.00	\$ 212.50
DRIVE SOBER OR GET PULLED OVER PSP & Task 21-07-11 FAST Act 402 - CFDA: 20.600 FAIN Number (Subaward) : 69A37520300004020NH0, 69A37521300004020NH0	\$ 1,700.00	\$ 425.00
U DRIVE, U TEXT, U PAY PSP & Task 21-04-11 FAST Act 402 - CFDA: 20.600 FAIN Number (Subaward) : 69A37520300004020NH0, 69A37521300004020NH0	\$ 850.00	\$ 212.50
E-CRASH EQUIPMENT (MDT) PSP & Task 21-03-06 FAST Act 405c FAIN Number (Subaward): 69A3751830000405cNH0, 69A3751930000405cNH0, 69A3752030000405cNH0, 69A3752130000405cNH0 CFDA: 20.616	\$ 0.00	\$ 0.00
E-CRASH EQUIPMENT (Printers/Scanners/Receivers) PSP&Task 21-03-06 FAST Act 405c FAIN Number (Subaward): 69A3751830000405cNH0, 69A3751930000405cNH0, 69A3752030000405cNH0, 69A3752130000405cNH0 CFDA: 20.616	\$ 0.00	\$ 0.00
Total Total amount Federal funds obligated to the subrecipient, (2 CFR § 200.331(a)(1)(vii)) Project Costs: 80% Federal Funds, 20% Applicant Share (Minimum Match Required).	\$ 17,641.00	\$ 4,410.25

Awarding Agency: Office of Highway Safety (OHS)
Federal Awarding Agency: National Highway Traffic Safety Administration (NHTSA), US DOT NHTSA Region 1 55 Broadway, RTV-8E Cambridge, MA 02142
Is This a Research and Development Project: YES <input type="checkbox"/> NO <input type="checkbox"/>

EXHIBIT B

GRANT REQUIREMENTS AND INFORMATION

- Officers funded during these overtime enforcement grants shall be dedicated in total to traffic law enforcement, except in the case of a criminal offense committed in the officer's presence, in the case of response to an officer in distress, or in the case of a riot where all available personnel must divert their attention.
- Officers may pull over drivers for any driving offense during patrols. This includes, but is not limited to, suspected drunk driving, speeding, school bus violations, CPS violations, traffic light/stop sign running, and distracted driving.
- Nothing in this grant shall be interpreted as a requirement, formal or informal that a law enforcement officer issue a specified or predetermined number of summons in pursuance of the department's obligation associated with the grant.
- If an officer makes an arrest during the patrol shift, but does not complete the arrest before the shift is scheduled to end, the officer can continue working under the grant to complete that arrest even if the time exceeds the scheduled patrol shift; however, the total request for reimbursement must not exceed the approved budget in the Grant Agreement.
- An officer who stops working a Highway Safety grant to assist with a Non-Highway Safety Grant related issue (i.e. crash, domestic dispute, criminal complaint, etc.), must not count such hours as hours worked on a Highway Safety Grant.
- Full-time officers will be reimbursed at an overtime rate of pay as established by the department and/or municipality for hours worked during the enforcement patrols. Part-time officers will be reimbursed at their normal hourly rate of pay.
- The Patrol Activity Report (HS-200) must be signed and dated by an authorized signatory (Police Chief or designee). Individuals working the enforcement patrol may not sign off on the Patrol Activity Report for themselves and if the Chief Law Enforcement Officer (CLEO) works an overtime enforcement patrol, they must comply with 29 CFR Part 541 as it relates to "exempt employees". This will require that the CLEO provide a waiver of 29 CFR, Part 541 from their governing body with any reimbursement requests in which the CLEO has worked. Additionally, the CLEO may not sign off on their own HS200 or that of a spouse, child or sibling who may work an enforcement patrol.
- If weather impedes a particular enforcement detail, this should be noted on the Patrol Activity Report (HS-200).
- Command staff may participate in and be compensated for enforcement details if acting in a traffic enforcement role rather than acting exclusively in a supervisory role overseeing officers engaged in traffic enforcement.
- Failure to comply with reporting requirements may result in non-reimbursement of funds or suspension of grant award.
- Non-participation or non-compliance with the performance measures may result in grant agreement suspension, termination and/non-reimbursement of expenses.

Reimbursement Schedule and Required Paperwork

- Reimbursements are due no later than 15 days after the close of the quarter. Due dates are as follows:
 1. **January 15th** for October-December (Quarter 1)
 2. **April 15th** for January-March (Quarter 2)
 3. **July 15th** for April-June (Quarter 3)
 4. **October 15th** for July-September (Quarter 4)

- Over-Time enforcement patrol reimbursements shall include the following:
 1. Reimbursement Request Cover Letter (HS-1);
 2. Overtime Payroll Reimbursement Form (HS-20) for each project;
 3. Match Tracking Form (HS-22) for each project;
 4. Quarterly Summary Report (HS-100 QSR) for each project;
 5. Patrol Activity Reports (HS-200) for each project; and
 6. Final Report HS-7b to be submitted with final reimbursement

- Equipment reimbursements shall include the following:
 1. Reimbursement Request Cover Letter (HS-1). Note: if submitting equipment reimbursement along with overtime enforcement patrol reimbursements only one (1) Reimbursement Request Cover Letter (HS-1) shall be submitted.
 2. Copy of the detailed equipment invoice;
 3. Match Tracking Form (HS-22);
 4. Copy of Cancelled Check; and
 5. Final Equipment Report (HS-8E)

- If no enforcement patrols took place during the quarter you are required to submit the Reimbursement Cover Letter (HS-1) indicating that you are not seeking reimbursement by placing \$0 in the projects where you were awarded funding.

- Failure to file required reports by the submission due dates can result in grant termination or denial of future grants.

- All publications, public information, or publicity released in conjunction with this project shall state "This project is being supported in part through a grant from the NH Office of Highway Safety, with Federal funds provided by the National Highway Traffic Safety Administration" or related social media tag provided by our office.

- Grant agreements shall terminate in the event funds are exhausted and/or not made available by the federal government for this program. If the grantee makes obligations in anticipation of receiving funds under this grant, the grantee does so at their peril and the State of New Hampshire will be under no obligation to make payments for such performance.

I sign these Grant Requirements based on personal knowledge, after appropriate inquiry, and I understand that the Government will rely on these representations in reimbursing grant funds.

Authorized Contract Signatory: _____ **Date:** _____

Signors Printed Name: _____ **Signors Title:** _____

Scope of Work

SPEED ENFORCEMENT

Over a five-year period, 2015 to 2019 speed is the third leading primary cause of crashes in New Hampshire. In order to have the greatest impact police departments should utilize Speed funding to enforce speed limits within your community. Local data should be used to identify the time of day, day of the week as well as location that speed crashes and violations are occurring. **For additional grant requirements please familiarize yourself with the section of the grant agreement titled, "Grant Requirements and Information".**

- The locations as well as time and days of the Speed overtime patrols shall support the problem statement identified in your grant application.
- Speed enforcement patrols should be no more than **4-hours** in duration.
- If the last stop of a grant-funded patrol results in an arrest that requires the patrol to exceed 4-hours, OHS will consider payment, after review of the dispatch log and Patrol Activity Report (HS-200). The dispatch log must show the arrest as the last stop of the patrol as well as showing the time the arrest was cleared.
- The OHS has an expectation that Departments will have a minimum of three documented stops/contacts per hour. Documented stops/contacts are defined as any grant-funded patrol officer contact with motorists, pedestrians, and/or bicyclists, during the grant-funded patrol periods. Contacts are required to be supported by written or electronic records maintained at the police department. These records must be maintained in a manner that guarantees their accountability during a monitoring review. If fewer than three stops/contacts per hour, the officer must provide an explanation as to why they were not able to fulfill three documented stops per hour.
- Departments must keep on file, under this grant program; copies of arrests, summonses, warnings, documented stops/contacts, officers' time and attendance, and all other pertinent information related to the grant. Documented stops/contacts are defined as any grant-funded patrol officer contact with motorists, bicyclists, and/or pedestrians, during traffic enforcement periods that can be supported by written or electronic records maintained at the police department. These records must be maintained in a manner that accurately reflects and supports the documented activity. These supporting documents are required to be available during a review or site monitoring visit.
- To maximize grant funding, patrols must consist of **one grant-funded officer per cruiser**; however, multiple cruisers may be out at one time.

Grantee Initials: _____
Date: _____

Grantee Initials: _____
Date: _____

Grantee Initials: _____
Date: _____

Scope of Work

Impaired Driving Enforcement (DUI)

Emphasis of DUI enforcement patrols should be those locations where there is a higher incidence of DUI related crashes and arrests. **For additional grant requirements please familiarize yourself with the section of the grant agreement titled, "Grant Requirements and Information".**

- The locations as well as time and days of the impaired driving overtime patrols shall support the problem statement identified in your grant application.
- DUI Enforcement patrols, including DUI Saturation patrols, should be no more than **4-hours** in duration.
- With **written**, pre-approval, from the Office of Highway Safety, departments may conduct 6-hour Sobriety Check Points and/or saturation patrols.
- If the last stop of a grant-funded patrol results in an arrest that requires the patrol to exceed 4-hours, OHS will consider payment, after review of the dispatch log and Patrol Activity Report (HS-200). The dispatch log must show the arrest as the last stop of the patrol as well as showing the time the arrest was cleared.
- The OHS has an expectation that Departments will have a minimum of three documented stops/contacts per hour. Documented stops/contacts are defined as any grant-funded patrol officer contact with motorists, pedestrians, and/or bicyclists, during the grant-funded patrol periods. Contacts are required to be supported by written or electronic records maintained at the police department. These records must be maintained in a manner that guarantees their accountability during a monitoring review. If fewer than three stops/contacts per hour, the officer must provide an explanation as to why they were not able to fulfill three documented stops per hour.
- Departments must keep on file, under this grant program; copies of arrests, summonses, warnings, documented stops/contacts, officers' time and attendance, and all other pertinent information related to the grant. Documented stops/contacts are defined as any grant-funded patrol officer contact with motorists, bicyclists, and/or pedestrians, during traffic enforcement periods that can be supported by written or electronic records maintained at the police department. These records must be maintained in a manner that accurately reflects and supports the documented activity. These supporting documents are required to be available during a review or site monitoring visit.
- To maximize grant funding, patrols must consist of **one granted-funded officer per cruiser**; however, multiple cruisers may be out at one time

Grantee Initials: _____

Date: _____

Grantee Initials: _____

Date: _____

Grantee Initials: _____

Date: _____

Scope of Work

Distracted Driving Enforcement

Distracted Driving enforcement patrols should focus on enforcing New Hampshire's Hands Free Electronic Device Law as well as other activities that occur behind the wheel that cause the driver to be distracted. **For additional grant requirements please familiarize yourself with the section of the grant agreement titled, "Grant Requirements and Information".**

- The locations as well as time and days of the distracted driving overtime patrols shall support the problem statement identified in your grant application.
- Distracted driving enforcement patrols should be no more than **4-hours** in duration.
- If the last stop of a grant-funded patrol results in an arrest that requires the patrol to exceed 4-hours, OHS will consider payment, after review of the dispatch log and Patrol Activity Report (HS-200). The dispatch log must show the arrest as the last stop of the patrol as well as showing the time the arrest was cleared.
- The OHS has an expectation that Departments will have a minimum of three documented stops/contacts per hour. Documented stops/contacts are defined as any grant-funded patrol officer contact with motorists, pedestrians, and/or bicyclists, during the grant-funded patrol periods. Contacts are required to be supported by written or electronic records maintained at the police department. These records must be maintained in a manner that guarantees their accountability during a monitoring review. If fewer than three stops/contacts per hour, the officer must provide an explanation as to why they were not able to fulfill three documented stops per hour. **Note:** When conducting distracted driving patrols using a spotter technique (one officer in a cruiser and one officer outside the cruiser), 3 stops per hour per officer may be difficult to achieve. In this instance, please focus on effective enforcement rather than the stops/hour requirement. Please ensure that the spotter notes this on his/her Patrol Activity Report (HS-200).
- Departments must keep on file, under this grant program; copies of arrests, summonses, warnings, documented stops/contacts, officers' time and attendance, and all other pertinent information related to the grant. Documented stops/contacts are defined as any grant-funded patrol officer contact with motorists, bicyclists, and/or pedestrians, during traffic enforcement periods that can be supported by written or electronic records maintained at the police department. These records must be maintained in a manner that accurately reflects and supports the documented activity. These supporting documents are required to be available during a review or site monitoring visit.
- To maximize grant funding, patrols must consist of **one granted-funded officer per cruiser**; however, multiple cruisers may be out at one time. **Exception:** Two officers per cruiser when utilizing a spotter (one officer in a cruiser and one officer outside the cruiser), is allowed when a department is conducting strategic Distracted Driving patrols.

Grantee Initials: _____
Date: _____

Grantee Initials: _____
Date: _____

Grantee Initials: _____
Date: _____

Scope of Work

Pedestrian & Bicycle Enforcement

Law enforcement agencies conducting Pedestrian/Bicycle enforcement patrols shall conduct these patrols aimed at enforcing the state’s pedestrian/bicycle laws; however, adherence to all traffic laws shall be enforced. **For additional grant requirements please familiarize yourself with the section of the grant agreement titled, “Grant Requirements and Information”.**

- Prior to officers conducting Pedestrian & Bicycle Enforcement patrols they will be **required to complete an Online training course**; “Pedestrian and Bicycle Laws 2019”, sponsored by Police Standards and Training. A certificate of completion verifying that the officers participating in the Ped/Bike patrols shall be submitted with the grant reimbursement request (only one certificate per officer is needed for the duration of the grant). **Note: Officer’s patrol time will not be paid for, if this online training was not completed prior to the patrol.**
- Pedestrian Bicycle enforcement patrols should be no more than **4-hours** in duration.
- To have the greatest impact, law enforcement agencies shall conduct these patrols at locations and during those times (i.e. summer months, evenings, downtown locations, commuting times, etc.) that their local crash data indicates there is an increased risk for this unsafe behavior.
- The OHS has an expectation that Departments will have a minimum of three documented stops/contacts per hour. Documented stops/contacts are defined as any grant-funded patrol officer contact with motorists, pedestrians, and/or bicyclists, during the grant-funded patrol periods. Contacts are required to be supported by written or electronic records maintained at the police department. These records must be maintained in a manner that guarantees their accountability during a monitoring review. If fewer than three stops/contacts per hour, the officer must provide an explanation as to why the officer was not able to fulfill three documented stops per hour. **Note:** When conducting Pedestrian Bicycle patrols using a spotter technique, 3 stops per hour per officer may be difficult to achieve. In this instance, please focus on effective enforcement rather than the stops/hour requirement. Please ensure that the spotter notes this on his/her Patrol Activity Report (HS-200).
- To maximize grant funding, patrols must consist of **one granted-funded officer**; however, multiple officers may be out at one time. **Exception:** Two officers per shift when (one officer is being utilizing as a spotter), is allowed when a department is conducting strategic Pedestrian & Bicycle enforcement patrols.

Grantee Initials: _____
Date: _____

Grantee Initials: _____
Date: _____

Grantee Initials: _____
Date: _____

Scope of Work

High Visibility Mobilizations

NOTE: Please e-mail your Field Representative, in advance, if a mobilization effort will not be conducted.

The Office of Highway Safety has awarded your agency \$850.00 for each of the **four** Mobilizations listed below.

Please note that you will be **required to conduct one, 3-4-hour enforcement patrol, on the kickoff day of each mobilization**. After you have completed the required 4-hour patrol on the kickoff day, any remaining balance should be used for additional enforcement patrols for that specific mobilization period.

Please Note: Unspent funds cannot be transferred to other mobilizations.

Join the NH Clique Enforcement Patrols: The purpose is to enforce the Child Restraint Law for anyone under 18 years of age as well as to educate unbelted occupants 18 years and older regarding the importance of wearing seatbelts. Patrols must be conducted during daylight hours at locations such as elementary schools, high schools, shopping centers, and/or locations where drivers and passengers up to the age of 18 are known to frequent. **Prior** to officers conducting "Join the NH Clique Patrols", they must complete the Online training course; "Occupant Protection/Child Passenger", sponsored by Police Standards and Training. A certificate of completion, by the officer conducting the patrol, must be submitted with the grant reimbursement request. **Note: Officer's patrol time will not be paid for, if this online training was not completed prior to the patrol.**

- **Required Dates:**
 - One 3-4 hour patrol conducted on kickoff day **Monday, May 17, 2021.**
 - The remaining patrol hours shall be conducted between **Tuesday, May 18, 2021 - Sunday June 6, 2021- 3rd Quarter**

Drive Sober or Get Pulled Over: These **two** mobilizations will focus on the apprehension of the impaired driver. Locations for patrols should be where the greatest likelihood of finding an impaired driver exists.

- **Required Dates of the first mobilization:**
 - One 3-4 hour patrol conducted on kickoff day **Friday, December 18, 2020**
 - The remaining patrol hours shall be conducted between **Saturday, December 19, 2020 - Friday, January 1, 2021- 1st Quarter**
- **Required Dates of the second mobilization:**
 - One 3-4 hour patrol conducted on kickoff day **Friday, August 20, 2021**
 - The remaining patrol hours shall be conducted between **Saturday, August 21, 2021 - Monday, September 6, 2021-4th Quarter**

U Drive, U Text, U Pay: This grant focuses on stopping drivers who are distracted including New Hampshire's Hands Free Electronic Device Law, as well as other activities that occur behind the wheel that cause the driver to be distracted.

- **Required Dates:**
 - One 3-4 hour patrol conducted on kickoff day **Monday, April 5, 2021**
 - The remaining patrol hours shall be conducted between **Tuesday, April 6, 2021 - Monday, April 12, 2021- 3rd Quarter**

Grantee Initials: _____
Date: _____

Grantee Initials: _____
Date: _____

Grantee Initials: _____
Date: _____



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

City Hall, One Junkins Avenue
Portsmouth, New Hampshire 03801
kconard@cityofportsmouth.com
(603) 610-7201

Date: December 3, 2020
To: Honorable Mayor Rick Becksted and City Council Members
From: Karen S. Conard, City Manager *KSC*
Re: City Manager's Comments on City Council Agenda of December 7, 2020

XI. Public Hearings and Votes on Ordinances and/or Resolutions:

A. First Reading of Ordinance Amending Chapter 10, Article 6 – Overlay Districts – Floodplain Overlay District Zoning Maps:

In July 2020, FEMA issued a [Letter of Final Determination \(LFD\)](#) notifying the City that the preliminary coastal Rockingham County Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS) report that were originally issued in 2014 had been finalized. The FIRMs and FIS report will become effective on January 29, 2021.

Following that letter, the staff at the NH State Floodplain Management Program reached out to the City with additional guidance on the process for final adoption of the FIRMs and FIS ([see attached email from Jennifer Gilbert dated September 25, 2020](#)). Although the City had already amended the City's Floodplain Overlay District zoning in 2019 with input from the state's floodplain office, the staff at the state office (with guidance from FEMA) have identified additional minor amendments that are required.

These amendments will apply to properties located in the Floodplain District and are required by FEMA to keep the City in compliance with the National Flood Insurance Program (NFIP). The NFIP requires that the City maintain an up-to-date floodplain ordinance to ensure that federal flood insurance policy holders are covered in the event of a flood.

The Planning Board reviewed the amendments at a work session in October and held a public hearing on the Zoning Amendments on November 19, 2020. All property owners with properties in the flood plain overlay district were notified by mail of the upcoming meetings on these amendments ([see attached notice](#)). At the November meeting, the Planning Board voted unanimously to recommend approval of the amendments to the City Council.

The proposed Zoning Ordinance amendments required by FEMA are summarized below and [attached](#). The City’s entire Zoning Ordinance can be viewed online at www.cityofportsmouth.com/planportsmouth/land-use-and-zoning-regulations#zoning. Refer to Section 10.620 Floodplain District.

- In Section 10.613.10 (a), update the study and map reference dates by deleting May 17, 2005 and adding January 29, 2021.
- In Section 10.622.20 – “Terms Defined for the Flood Plain District”, delete the current definition of New Construction and update as follows:

New construction

A structure for which the start of construction commenced on or after the effective date of this flood plain management regulation and includes any subsequent improvements to such structure.

- In Section 10.628 – Construction Standards in Special Flood Hazard Areas, amend paragraph 10.628.10 as follows by adding the text shown in italics below:

10.628.10 In Zones A and AE, any new construction or substantial improvement shall be reasonably safe from flooding...

As noted in the email from Jennifer Gilbert, these amendments will need to be adopted by Council and submitted to the state office for confirmation by January 15, 2021. This means that the Council will need to complete the three required readings before that time. The anticipated schedule is as follows:

- November 16 – request to City Council to schedule 1st reading
- November 19 – Planning Board public hearing and vote to recommend to Council
- December 7 – City Council first reading
- December 21 – City Council second reading and public hearing; potential to continue the public hearing
- January 11, 2021 – City Council third and final reading

I recommend that the City Council move to pass first reading on the proposed amendments to the Floodplain Overlay District, and schedule a public hearing and second reading at the December 21, 2020 City Council meeting.

B. Public Hearing and Second Reading of Ordinance Amending Chapter 7, Article III, Section 7.330 – No Parking by the addition of Chase Drive: northerly side, from Michael Succi Drive to a point 30 feet ~~on either side~~ west of the driveway located at 355 Chase Drive:

[Attached is the diagram](#) and [the proposed amendment](#) to this ordinance.

I recommend that the City Council move to schedule a third and final reading at the December 21, 2020 City Council meeting.

C. Public Hearing and Second Reading of Ordinance Amending Chapter 3, Article IX – Distribution of Single-Use Disposables on City Property – Effective Date: This Ordinance shall take effect on December 31, 2022:

The immediately prior City Council adopted an ordinance ([Chapter 3, Article IX](#)) which would regulate the use of single-use disposable plastic items such as Styrofoam cups on City property. As adopted, the ordinance would become effective on December 31, 2020.

Councilor Lazenby has expressed concern that the COVID-19 pandemic and response have created problems for local businesses and citizens which might be exacerbated by the effective date of the ordinance. Therefore, he has proposed a motion which would advise the City Administration that the City Council prefers limited enforcement with regard to the ordinance until December 31, 2021. The limited response would essentially be that potential violators receive a written warning rather than more formal enforcement.

If the Council is in agreement with Councilor Lazenby’s proposal, the appropriate motion to adopt it is stated on this evening’s agenda.

D. Public Hearing and Second Reading of Ordinance Amending Chapter 3, Article X – Distribution of Single-Use Disposables – Citywide – Effective Date: This Ordinance shall take effect on December 31, 2022:

The immediately prior City Council adopted an ordinance ([Chapter 3, Article X](#)) which would regulate the use of single-use disposable plastic items such as Styrofoam cups on a citywide basis. As adopted, the ordinance would become effective on December 31, 2020.

Councilor Lazenby has expressed concern that the COVID-19 pandemic and response have created problems for local businesses and citizens which might be exacerbated by the effective date of the ordinance. Therefore, he has proposed a motion which would advise the City Administration that the City Council prefers limited enforcement with regard to the ordinance until December 31, 2021. The limited response would essentially be that potential violators receive a written warning rather than more formal enforcement.

If the Council is in agreement with Councilor Lazenby’s proposal, the appropriate motion to adopt it is stated on this evening’s agenda.

E. Public Hearing and Second Reading of Ordinance Amending Chapter 3, Article XI – Face Coverings – Effective Date: This ordinance shall take effect immediately and shall terminate on Vote of the City Council to that effect:

At the City Council meeting of November 16, 2020, the Council passed first reading of an ordinance amendment proposed by Councilor Lazenby which would have the effect of extending the term of the [City’s Mask Ordinance](#) from January 4, 2020 until such time as the City Council votes to terminate it.

Governor Sununu's statewide mask mandate is set to expire on January 15, 2020.

If after this evening's public hearing the Council wishes to move forward with this ordinance amendment, a proposed motion would be:

Move to pass second reading and hold third and final reading at the December 21, 2020 City Council meeting.

F. **Public Hearing and Adoption of Resolution Authorizing a Bond Issue, and/or Notes of up to Four Hundred Thousand (\$400,000.00) Dollars for Costs related to the Upgrade of the Police Facility:**

Attached is the [proposed resolution](#) and the corresponding [element sheet](#).

I recommend that the City Council move to adopt the proposed project resolution to be bonded as presented.

G. **Public Hearing and Adoption of Resolution Authorizing a Bond Issue, and/or Notes of up to One Million Dollars (\$1,000,000.00) for Costs related to School Facilities Improvements:**

Attached is the [proposed resolution](#) and the corresponding [element sheet](#).

I recommend that the City Council move to adopt the proposed project resolution to be bonded as presented.

H. **Public Hearing and Adoption of Resolution Authorizing a Bond Issue, and/or Notes of up to Three Million Six Hundred Forty Thousand Dollars (\$3,640,000.00) for costs related to Outdoor Pool Upgrades and City Street and Sidewalk Upgrades:**

Attached is the [proposed resolution](#) and the corresponding [element sheet](#).

I recommend that the City Council move to adopt the proposed project resolution to be bonded as presented.

I. **Public Hearing and Adoption of Resolution Authorizing a Bond Issue, and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Three Million Six Hundred Thousand Dollars (\$3,600,000.00) related to Water Line Upgrades, New Ground Water Source, Water Transmission Main Replace and Water Storage Tanks Painting:**

Attached is the [proposed resolution](#) and the corresponding [element sheet](#).

I recommend that the City Council move to adopt the proposed project resolution to be bonded as presented.

J. Public Hearing and Adoption of Resolution Authorizing a Bond Issue, and/or notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Five Million Two Hundred Fifty Thousand Dollars (\$5,250,000.00) for Costs Related to Sewer Force Main Improvements and Sewerline Upgrades:

Attached is the [proposed resolution](#) and the corresponding [element sheet](#).

I recommend that the City Council move to adopt the proposed project resolution to be bonded as presented.

K. Second Reading of Ordinance Amending Chapter 11, Article II – Sewers, Section 11.203 and Section 11.204 – Waiver from Connection to Public Sewer:

At its meeting on November 16, 2020, the City Council considered for second reading a proposed change to Chapter 11, Article II, Section 11.204 of the Sewer Ordinance to allow property owners 90 days to connect to a newly installed public sewer line or to apply for a waiver from connection to the public sewer. It was suggested that the proposed ordinance change should be amended to accommodate owners who may wish to connect, but may need additional time to connect due to winter conditions or other good cause. The proposed motion below accomplishes that change. A complete copy of the proposed ordinance amendment, including the proposed additional language to deal with winter conditions (noted in green) is [attached](#).

I recommend that the City Council move to amend the current draft by adding after the first sentence in Section 11.204 (E) the following new sentence:

“The City Engineer may extend the period to connect from ninety (90) days to no more than one hundred and fifty (150) days for winter conditions or other good cause.”

L. Third and Final Reading of Ordinance Amending Chapter 7, Article IVA, Section 7-A.402 – Bus Stops Designated – D. Hanover Street: southerly side of Hanover Street 90 feet east of from Fleet Street to a point 285 feet east of Fleet Street:

Attached is the [diagram](#) and the [proposed amendment](#) to this ordinance.

I recommend that the City Council move to adopt the third and final reading.

M. Third and Final Reading of Ordinance Amending Chapter 7, Article XI, Section 7.1100 – Speed Limits, E: Speed Limit: 25 MPH by the addition of South Street, from Middle Road to Lafayette Road:

Attached is the [diagram](#) and the [proposed amendment](#) to this ordinance.

I recommend that the City Council move to adopt the third and final reading.

- N. **Third and Final Reading of Ordinance Amending Chapter 7, Article III, Section 7.330 – No Parking – A: Unless otherwise designated by ordinance, parking shall be prohibited at all times in the following described streets and locations: Dearborn Street:**
- a. **westerly side from Maplewood Avenue to the easterly end of Dearborn Lane (entire westerly side)**
 - b. **easterly side, from the North Mill Pond running northerly for a distance of 25 feet**

Attached is the [diagram](#) and the [proposed amendment](#) to this ordinance.

I recommend that the City Council move to adopt the third and final reading.

XIV. Approval of Grants/Donations:

A. **Acceptance of New Hampshire Highway Safety Grant for Dedicated Patrol Enforcement Operations - \$17,641.00:**

At the November 24, 2020 Police Commission meeting, the Board of Police Commissioners accepted a New Hampshire Safety grant in the amount of \$17,641 for dedicated patrol enforcement operations from the NH Office of Highway Safety.

I recommend that the City Council move to accept this grant from the NH Office of Highway Safety as presented.

XVI. Consent Agenda:

A. **Projecting Sign License – 10 Ladd Street:**

Permission is being sought to install a projecting sign at [10 Ladd Street](#) that extends over the public right of way, as follows:

Sign dimensions: 24” x 32”

Sign area: 5.3 sq. ft.

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

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

XVII. Presentations and Consideration of Written Communications and Petitions:

A. Presentation by Health Officer Kim McNamara Regarding COVID-19 Update:

City Health Officer, Kim McNamara, will provide a verbal update to City Councilors and the public on COVID-19.

B. Presentation on the Future of the Portsmouth Citizen Response Task Force:

Citizen Response Task Force Co-Chairs James Petersen and Mark Stebbins will be presenting the [attached materials](#).

XVIII. City Manager's Informational Items:

1. Report Back on Police Department HVAC Improvements:

This report back is a follow-up to a request from the City Council regarding the status of heating ventilation and air conditioning (HVAC) improvements at the Police Department. Since the last report on October 13, 2020, the Department of Public Works has overseen the completion of an additional \$62,511.97 in piping and insulation upgrades to HVAC equipment at the Police Department. In addition, new equipment that controls the HVAC operations has been installed improving staff's ability to operate and monitor the system. These new controls include humidity sensors which will alert staff of changing air quality and allow deployment of portable dehumidifiers when needed. In addition to HVAC upgrades, DPW staff are working on the next phase of mold abatement and restoration in the Police Command offices on the second floor.

Deferred maintenance continues to be the focus of investments at the Municipal Complex. Efforts have been on-going since 2016. DPW staff continues to meet regularly with the Police and together they have developed a list of priority projects many of which have been completed. Most recent discussions include upgrades to the Department's parking lot area to improve security and continued upgrades to HVAC piping and controls. The cost for these continued upgrades is anticipated to be covered in part by the \$400,000 bonding request to be considered at this evening's meeting.

It is understood that a safe and comfortable work environment is critical to the effective operation of the City's Police Force. We believe the efforts to date have improved the work environment and the additional efforts underway will continue these improvements.

MEMORANDUM

TO: Karen Conard, City Manager

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

DATE: November 20, 2020

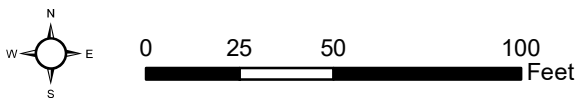
RE: City Council Referral – Projecting Sign
Address: 10 Ladd Street
Business Name: Backstreet Barbers LLC dba The Clip Joint Barbers
Business Owner: Sandra Cole

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

Sign dimensions: 24" x 32"
Sign area: 5.3 sq. ft.

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

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

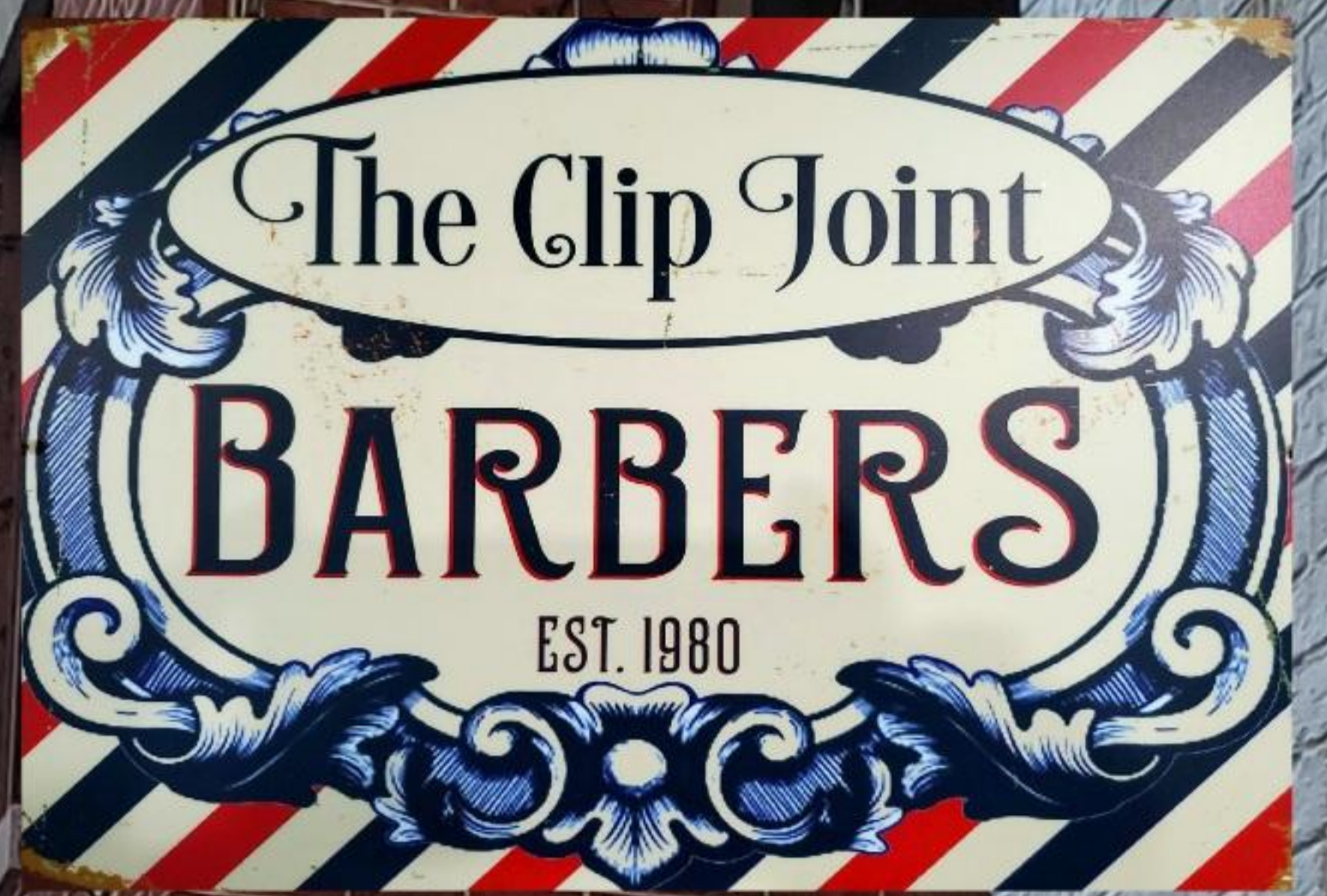


**Request for license
10 Ladd Street**

32"

24"

9ft.



LAST LOOKS
HAIR STUDIO

SLOW BURN
LAGER
GRATIA & CIGARS





November 24, 2020

Portsmouth NH City Council
C/o City Manager's Office
1 Junkins Ave
Portsmouth NH 03801

Dear Ms. Conrad


My name is Jennie Halstead. I am the Executive Director of My Breast Cancer Support and the Race Director of the Celebrate Pink 5k Walk & Run.

I am writing this letter to ask the City Council consider approval of our 13th Annual race which we propose take place on Sunday September 19th, 2021. Registration for the race begins at 7.30 am and the race will commence at 9 AM at Portsmouth Middle School provided state guidelines allow.

Thank you for your consideration, as well as the support you have provided for this event over the last 13 years.

Best Regards,

Jennie Halstead

Jennie Halstead
Executive Director, Survivor 

PO Box 1576, Portsmouth, NH 03802-1576 * 603.759.5640 * info@mybreastcancersupport.org

My Breast Cancer Support is an independent NH 501C3 non-profit organization
with no affiliation to any national organizations. TAX ID: 43-2072206

Citizen Response Task Force

Established by City Council on May 18, 2020



Task Force Charge:

1. To recommend to the City management and City Council on decisions related to COVID-19 that affect the business community and organizations in addressing the needs of re-opening, within the confines of health care advisories.
2. To discuss, identify, and then educate Portsmouth businesses and the public about “best practices” and approaches as they re-open, based on health care advisories.
3. To consider further recommendations for the business community for addressing the needs of health care safety.
4. To consider guidelines and enforcement for the wearing of masks by all who work in and visit our businesses.
5. To include and work with citizen and business interests in as inclusive way as possible to provide recommendations and schedules for addressing the needs for protecting the health of our citizens, visitors, and employees.
6. To review the financial impact of the pandemic on businesses in Portsmouth, and provide recommendations for response.

Governance:

The Chair of the Portsmouth Citizen Response Task Force shall be chosen from among the members who have been appointed by the Mayor. To keep the Portsmouth Citizen Response Task Force as non-political as possible, no elected official may be a member. The group will remain in operation until December 31, 2020, and may be reestablished prior to that time.

Meetings:

1. The Portsmouth Citizen Response Task Force may hold public meetings to hear from members of the community.
2. The Portsmouth Citizen Response Task Force may meet with agencies or boards of neighboring communities and the state for advice.
3. All meetings of the Portsmouth Citizen Response Task Force shall be public at all times.
4. The Portsmouth Citizen Response Task Force may call on other Portsmouth City Government staff members for assistance and advice.

Reporting:

The City Council requested that a member of the Committee provide an updated report at each Council meeting.

M E M O R A N D U M

DATE: NOVEMBER 2, 2020
TO: MAYOR BECKSTED AND CITY COUNCIL MEMBERS
FROM: PORTSMOUTH ECONOMIC DEVELOPMENT COMMISSION
RE: EXTENSION OF CITIZEN RESPONSE TASK FORCE

At its October 9, 2020 meeting, the Economic Development Commission voted to send the City Council a statement supporting the extension of the Citizens Response Task Force (CRTF) beyond December 31, 2020 with continued EDC member representation.

The Commission believes that the work of the CRTF has been critical to the City's vitality and to the survivability of many local businesses. The CRTF has also been tactical and effective in response to the impacts of the COVID-19 pandemic on the business community and in executing its charge to:

1. Work with City staff in development of strategies to assist businesses and organizations address the needs of re-opening within the confines of health care advisories.
2. Discuss, identify, and educate Portsmouth businesses and the public about "best health and safety practices" in re-opening including support for a mask mandate.
3. Research and disseminate information and resources for the business community on the evolving needs and strategies for operating safely as the season changes and business patrons move indoors.
4. Creative problem solving in response to Pop-up NH's request to create a live performance venue downtown to showcase local artists and dining options.

The CRTF's Street Use, Health and Bridge Street Lot Subcommittees have demonstrated great leadership and the ability to be nimble in reviewing outdoor dining applications, curbside pick-up parking recommendations, health care research and the use of the Bridge Street Lot for activating our downtown with a live performance venue. This same leadership and collaboration will be critical as the City continues to navigate the protracted impacts of the pandemic on our community.

The EDC believes that going forward, there is an opportunity to learn from the CRTF and other City accomplishments and to be forward thinking about how we might improve Portsmouth in general and our responsiveness to the challenges ahead. For example, can we use the outdoor dining experience and Pop Up NH as a "living lab" of how to improve vitality in the future? Can we also learn what business resiliency tactics have been successful and how we might support and deploy these efforts more broadly to be better prepared for the next pandemic or disaster? These goals align with the EDC's overall goals and mission for sustained economic vitality and prosperity and is why the Commission supports extending the CRTF with continued EDC representation.



TO: Portsmouth City Council
FROM: Citizen Response Task Force (CRTF)
DATE: November 4, 2020
RE: Extending the Portsmouth Mask Ordinance #03-2020 beyond the Expiration Date of January 4, 2021

Citizen Response Task Force

James Petersen, Petersen Engineering,
Co-Chair
Mark Stebbins, ProCon Construction,
Co-Chair
Karen Conard, City Manager
Kim I. McNamara, City Health Officer

Streets Subcommittee

Mark Stebbins, ProCon Construction
(Chair)
Deb Anthony, GATHER
State Sen. Martha Fuller Clark
Alan Gold, EDC, Gold & Partners
Sarah Lachance, EDC
Valerie Rochon, Chamber Collaborative
of Greater Portsmouth

Bridge Street Subcommittee

Russ Grazier, Jr., PMAC (Chair)
Karen Bouffard, Kaffee VonSolln
John Golumb, Poco's
Jeffrey Goss, Clipper Tavern
Jim Lee, RE/MAX
Joe Scarlotto, The Shanty

Health Subcommittee

Ann Birner, Pharm D (Chair)
Kathryn Lynch, DNSc, RN [ret], CCRN
Bianca Monteiro, MD, FCCP
Kim McNamara, MS, BS, REHS,
City Health Officer
James Petersen, P.E., Petersen
Engineering

The Citizen Response Task Force was created by the Portsmouth NH City Council in June 2020, "to help the City quickly and safely respond to the Governor's guidelines for reopening, in Portsmouth."

The Citizen Response Task Force and its Health Subcommittee respectfully request that the City Council extend the current Mask Ordinance, implemented on September 15, 2020, beyond its current expiration date of January 4, 2021. In reviewing the current data on trends in COVID-19 infections in Rockingham County, increasing hospitalizations in New Hampshire, the rate of positivity in nearby Massachusetts, and well-documented research that masks are effective in reducing further community transmission of the virus, the CRTF believes it is critically important to avoid any lapse in this important protective measure for the community.

The CRTF advocated the adoption of the Mask Ordinance in our memos of July 28 and August 27, 2020. We believe the continuing widespread and appropriate use of facial coverings is a vital strategy to reduce the risk of viral transmission. Anecdotal evidence and Health and Police Department observations suggest that since passage of the Mask Ordinance, the appropriate use of masks, especially downtown, has markedly increased. Further, the Mask Ordinance has provided important backing to restaurant, shop and business owners who are required to enforce mask wearing by employees and patrons under the Governor's Guidelines. To our knowledge, no citations have been issued, and education continues to be paramount.

New Hampshire is currently experiencing lower rates of COVID-19 infection than many parts of the country. Compliance with the Governor's Guidelines and assertive local efforts to "flatten the curve" and reduce the risk of widespread infection have likely contributed to this relative success. Nevertheless, with the advent of autumn, colder weather, and more activity moving inside, case numbers have increased in Portsmouth, statewide, and bordering areas of Maine and Massachusetts. Recently, testing has identified more cases of infection statewide, while "positivity" – the percentage of tests that are positive -- has also risen, as have hospitalizations.

Since the Mask Ordinance was passed, further understanding regarding the role of airborne transmission of the virus, particularly indoors, has emerged. Reports from several outbreak investigations have shown that the virus can spread particularly effectively in crowded, confined indoor spaces. Continued vigilance to public health protective measures such as masking will be critically important as more time is spent indoors during the months of winter and early spring. (For more information on the role of air quality and ventilation during the pandemic, please see the Ventilation FAQs document developed by the CRTF and posted on the City website).

The CRTF earnestly requests your immediate action to extend the effective date of Mask Ordinance #3-2020 to read "until revoked."

Karen Conard

From: Karen Conard
Sent: Monday, November 23, 2020 11:35 AM
To: 'asstmayorjimspaine@gmail.com'; 'Cliff Lazenby'; 'Deaglan McEachern'; 'Esther Kennedy'; 'John K. Tabor Jr. '; 'Paige Trace'; 'Peter Whelan '; 'Petra Huda'; 'Rick Becksted (mayorbecksted@gmail.com)'
Cc: James Petersen; Mark Stebbins; Kelli L. Barnaby (klbarnaby@cityofportsmouth.com)
Subject: Citizen Response Task Force Presentation - Recommendations to be shared at tonight's City Council Meeting

Good morning Honorable Mayor and City Council Members:

On behalf of the Citizen Response Task Force Co-Chairs and the entire Task Force, and in anticipation for tonight's continuation of the November 16th Council meeting, I am sharing with you below the recommendations that Task Force Co-Chairs James Petersen and Mark Stebbins plan to present this evening.

The following recommendations are made by the Citizen Response Task Force (CRTF) in response to topics raised by the City Council during a Work Session held November 9, 2020:

- I. *Size of CRTF:*
 - a. *Recommend to remain the same size for following reasons:*
 - i. *Maintains a diversity of skills sets;*
 - ii. *Add another healthcare professional;*
 - iii. *Update the Charge, then fill vacancies to suit;*
 - iv. *Subcommittees need sufficient members to share workload;*
 - v. *Possible skills sets needed: arts and entertainment, health, hospitality, City events, design professional;*
 - vi. *Health and safety input is essential.*
- II. *New People:*
 - a. *Allow non-residents;*
 - b. *Limit number of non-residents, consider non-residents where key functions are not filled, consider non-residents if they are non-profit leaders or business owners;*
 - c. *Add new members by same application and appointment method used previously;*
- III. *Money:*
 - a. *No blank checks; determine need for funds then seek City Council approval on an as-needed basis;*
- IV. *Regular Meetings Times:*
 - a. *The full CRTF meets each Wednesday from 2-3 p.m.;*
 - b. *The Health Subcommittee meets each Tuesday from 11 a.m. – 12 noon;*
 - c. *The Street Use Subcommittee meets each Monday from 3-4 p.m.*
- V. *Reporting:*
 - a. *Subcommittees to create and post agendas for public 24 hours in advance;*

- b. *Find improved methods of communications with City Council and the public;*
- c. *Upload recordings and meeting minutes promptly.*

VI. *Committees:*

- a. *Health Subcommittee is instrumental to function of CRTF*
 - i. *Comprised of professionals that vet new accurate information quickly;*
 - ii. *This group expands City Health Department capacity during this time of need.*
- b. *Street Use Subcommittee*
 - i. *Needs to be working now on winter, spring and summer use of public spaces.*
- c. *Consider new committees on as-needed basis. The formation of smaller groups has been the method by which the CRTF get things done. Possible new areas of focus include:*
 - i. *non-profits;*
 - ii. *the arts;*
 - iii. *health care providers;*
 - iv. *vulnerable populations;*
 - v. *travel industry;*
 - vi. *transportation;*
 - vii. *the really small businesses.*

VII. *Council Membership:*

- a. *Having a City Councilor sit on the CRTF is not recommended:*
 - i. *Keep work of CRTF as non-political as possible;*
 - ii. *Act like a blue-ribbon committee that gets disbanded when no longer needed;*
 - iii. *All meetings are open to all to attend.*

VIII. *CRTF duration:*

- a. *Authorize the CRTF for as long as needed;*
- b. *City Council terminates CRTF when no longer needed;*
- c. *Monthly or quarterly authorization is not compatible with long-term planning.*

If you have any additional questions, please do not hesitate to reach out.

Thank you,

Karen S. Conard

City Manager

City of Portsmouth, NH

O: (603) 610-7201



Summary of Street Use and Pop-Up Expenses

Summary of Street Use Expenses

Mask Ordinance Signs	\$1,652
60 Barricades @ \$300 each plus \$3,750 for barricade lift tool	\$21,750

Total	\$23,402
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Summary of Pop-up Expenses

Generator	\$24,626.41
Fencing	\$8,542.20
Porta Pottie	\$8,373.44
Misc.	\$1,641.00
Water/Sewer	\$2,784.02
Fuel	\$1,403.12

Total	\$47,370.19
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Grand Total	\$70,772.19
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RESTAURANT BRAINSTORM MEETING NOTES – NOVEMBER 11, 2020

Updated 11.16.2020

In attendance: Massimo Morgia, Ristorante Massimo; Kevin Dwyer, Dwyer's Pub; Nimi Idnani, Raleigh Wine Bar; Joe Kelly, Thirsty Moose; John Akar, Cava; Chris Mayeux, Bridge Street Bistro; Lisa Vivinetto and Kathryn Garcia, Alliance for the Greater Good; Michelle Davis and Valerie Rochon, Chamber Collaborative. Prior input by phone from Jay McSharry, The McSharry Group.

Takeaways from the discussion:

Summer 2020 outside dining was a "lifesaver for restaurants."

Citizens Response Task Force contribution in support of downtown businesses should continue.

Request that outdoor dining be allowed in the public realm effective March 1, 2021. The challenge for restaurants is the uncertainty, so they need to know exact dates.

Considerations:

- Storage for existing tables, chairs, infrastructure, etc. – for how long?
- If outdoor dining will continue indefinitely, need to consider changes in restaurant set-up, e.g., move technology such as point of sale.
- Need a clear and easy path for requests – who to contact and how, what information is required?
- Need to know when they will open for outdoor dining so they can plan staffing; must do earlier than normal.
- Need marketing in place earlier.

Some want to stay open through the winter – referred them to Juliet Walker.

Outdoor dining should continue even when back to "normal." There was no downside, no "mayhem" in streets. However, businesses on the west end of Congress were negatively impacted by the closure of the Bridge Street lot.

Also discussed:

- 1) Environmental impact of plastic takeout vs compostable. Should restaurants implement takeout supply fee charges? Donations accepted to cover costs? If so, by what process?
- 2) Rotary Ornaments – proposal from Portsmouth Rotary to sell their annual Christmas Ornaments, using proceeds to purchase restaurant gift certificates that would be allocated to the restaurants to give to staff during the no-work/less-work winter months to provide access to meals. Restaurants will be asked to sell Ornaments as well. Restaurants suggested they purchase 20 – 50 Ornaments to sell. Question re distribution to staff – how allocated?
- 3) Closing Congress Street to vehicular traffic – long term discussion to move dining to the sides of the street allowing for a pedestrian mall in the center. Considerations:
 - a. Access for police and fire unimpeded.
 - b. Traffic congestion
 - c. Parking directed to Foundry
 - d. Sidewalks already not adequate for foot traffic, need space, therefore pedestrian mall

- e. See examples: Burlington, Vermont and Montreal
- f. Private lots also ease parking

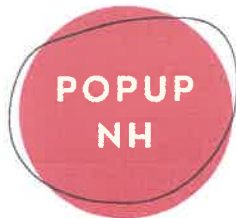
Link to Citizens Response Task Force – scroll down for links to the Task Force’s charge and timeline, online permitting, videos of all meetings, and much more:

<https://www.cityofportsmouth.com/city/citizen-response-task-force>

Link to FAQs re air filtration and HVAC from Health Subcommittee on the City Health COVID page and on the CRTF page: <https://www.cityofportsmouth.com/city/ventilation-faqs>.

Set next Restaurant Brainstorm meeting for December 9, 12:30 p.m. [Register here](#). Zoom info provided in registration confirmation. Restaurants should share the Zoom invitation with their peers and post on social media.

Submitted November 16, 2020 by Valerie Rochon, Chamber Collaborative



To: Karen Conard, City Manager

From: Andrew Bagley, Secretary, PopUp NH Board of Directors

CC: James Peterson, Citizen Response Task Force Co-Chair; Mark Stebbins, Citizens Response Task Force Co-Chair; and Russ Grazier, Citizen Response Task Force Bridge Street Subcommittee

Date: November 16, 2020

RE: PopUp NH Preliminary 2020 Season Financial Report

PopUp NH's 2020 Season began on August 8, lasted eleven weekends, and concluded on October 18. In that short period of time, our performance venue sold 2,144 tickets to forty socially-distanced performances, generating \$49,024 in revenue. Seventy-five percent of that revenue went directly to the artists and to six local art & cultural organizations. The charitable organizations that participated were: 3S Artspace, Opera on Tap, Prescott Park Arts Festival, Portsmouth Music and Arts Center (PMAC), the Portsmouth Halloween Parade, and the Seacoast Repertory Theater. An average of sixty customers dined at the PopUp each day, generating a total of \$132,707 in restaurant and beverage sales. Ninety-eight percent of that revenue went to the five restaurants that participated. PopUp NH is working on a more comprehensive financial report detailing our major expenses that boosted our local economy during these trying times. Of note, no cases of Covid-19 were associated with PopUp NH's 2020 season.

Andrew Bagley

Andrew Bagley

dotloop verified
11/16/20 8:12 AM EST
MIU8-EDIU-IL15-DWKW

Portsmouth Citizen's Response Task Force
Bridge Street Subcommittee Report on PopUpNH
November 4, 2020

All data provided is preliminary. PopUpNH will file form 990 with the IRS as required, and at that time final numbers for their current fiscal year will be available. The numbers provided in this report are based on the best available data, provided directly by the board and staff of PopUpNH.

GOAL OF THIS PROJECT: To provide opportunities for Portsmouth restaurants, retailers, and arts and culture organizations an opportunity to operate in a safe and responsible manner, and in doing so allowing them to earn much needed revenues at a time when they were most significantly feeling the negative economic impact of the pandemic.

- The project began with an idea to utilize the rooftop of the Foundry Garage for community gathering space. It was brought to the Citizens Response Task Force in early June 2020 and this subcommittee was formed to act as a liaison between the city and the independent group managing the project, later to be named PopUpNH.
- Moved to Bridge St Lot over safety concerns.
- Seven weeks of planning before launch. Typically, it would take a year or more of advance planning to prepare for this type of effort.
- Attendance was limited by safety considerations.
- City staff were excellent partners, working hard to find solutions to every challenge.
- Constantly evolving situation. It was always difficult to predict what would happen next.

PopUpNH by the numbers:

- 11 weekends, Thursday through Sunday – 4 rainouts
- 40 live performances
- 2,144 event tickets sold
- 60 restaurant customers on average, per day
- 6 arts and culture nonprofits participated – 3S Artspace, Seacoast Rep, Opera on Tap, Prescott Park Arts Festival, Portsmouth Music and Arts Center, and the Portsmouth Halloween Parade.
- 4 restaurants, with 4 FTE onsite employees
- 4 breweries, with 2 FTE onsite employees
- 4 FTE onsite employees operating PopUpNH
- 1 FTE sound and lighting engineer (independent contractor)
- \$129,880 in charitable donations and sponsorships
- \$50,000 in city funds covered public use of the space, including fencing, power generators, portable restrooms, connection to city sewer.
- \$132,707 in restaurant and beverage revenue – 98% went directly to the restaurants and breweries

- \$49,024 in performance revenue – 75% went directly to the artists and nonprofits
- Local plumbing, electric, construction, lumber, supply, and propane companies were engaged in the creation of the PopUp and were a part of the economic impact of this project in our community.

Lessons learned:

- Under the gun from day one. This was emergency response. It took a lot of work, by many volunteers, to get this effort up and running, and as I said in virtually every meeting from the very beginning, this meant doing a lot of tasks concurrently. Tasks that are typically done one step at a time and take time. We were fighting against the clock, and needed to act swiftly, as is the task force's charge. As a result, it was very much a scramble, an all-hands-on-deck situation.
- The retail aspect did not go as planned. The concept of how outdoor retail kiosks work and succeed was in conflict with needed safety protocols. The result was a few failed attempts at having outdoor retail present. It didn't work with the social distancing model.
- Scale is an issue in this type of effort. Safety protocols prevented the possibility of anything close to a self-sustaining model. This was new territory, not just for us, but for any type of nonprofit setting. Attendance had to be purposely limited in a severe manner. As a result, charitable contributions and sponsorships are what made this possible. The city's significant efforts to make the Bridge Street lot accessible and safe for community use were critical. And the upfront funding from sponsors and donors allowed the infrastructure to be built in a way that passed city inspection. The nonrecurring costs for a one-time effort were significant. And almost all of the funds generated by this effort went directly to the restaurants, arts organizations, and performing artists. The portion of proceeds that went to overhead was not even enough to cover staffing.
- Many community members said that their visit to the PopUp was their first venture out to a restaurant or performance space. Many took it as a stepping stone to returning to visit some downtown businesses.
- Sheds are scheduled to be picked up November 12.
- The hundreds of donors and the many sponsors were responsible for the effort's success, notably the lead sponsor, Service Credit Union.
- Dozens of volunteers contributed to the success of this effort, including the day to day volunteers who helped at the PopUp, those who helped with all of the onsite construction, the design professionals, and the members of the PopUpNH board of directors.
- Special thanks go to Deb Anthony, and Ben van Camp for their work on the subcommittee.

Respectfully submitted by Russ Grazier, Jr, 11/4/2020

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

November 11, 2020

Mayor Richard Becksted and
City Council Members
City Hall
1 Junkins Avenue
Portsmouth, NH 03801

received
11/12/20

John K. Bosen
Admitted in NH & MA

Christopher P. Mulligan
Admitted in NH & ME

Molly C. Ferrara
Admitted in NH & ME

Bernard W. Pelech
Admitted in NH & ME

RE: Unmerger of Lots
138 Leavitt Avenue, Portsmouth, NH
Tax Map 243, Lot 50

Dear Mayor Becksted and City Councilors:

This office represents ASRT, LLC, owner of the property at 138 Leavitt Avenue. The property consists of 8 Lots which were depicted on the 1902 Prospect Park Annex plan recorded in the Rockingham Registry of Deeds as Plan 00110 as Lots 103,104 and 105 fronting on Peverly Hill Road, and Lots 112, 113, 114, 115, and 116 which front on Leavitt Avenue.

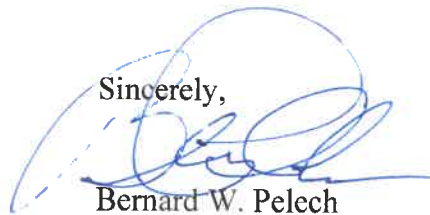
On behalf of ASRT, LLC I would respectfully request that the three lots which front on Peverly Hill Road and are vacant, be unmerged from the 5 Lots which contain a residence and detached garage fronting on Leavitt Avenue, pursuant to NH RSA 674:39 as, as they were involuntarily merged by the City of Portsmouth prior to September 18, 2010.

Enclosed herewith is the current tax card and Map Geo tax map for the Lot. Also enclosed is the recorded Prospect Park Annex Plan from 1902 showing the 8 lots which are presently owned by ASRT, LLC.

My extensive research in the registry of deeds and the City Assessor's office reveals that there has been no voluntary merger of these two lots by ASRT, LLC or any of its predecessors in title.

As such it is requested that the 8 lots presently shown as Lot 50 on Tax Map 243 be unmerged so as to create 2 lots, with 1 lot fronting on Peverly Hill Road and the second lot with the buildings thereon, fronting on Leavitt Avenue, as the requirements for unmerger set forth in NH RSA 674:39 aa are met.

Sincerely,



Bernard W. Pelech

BWP/lh
Enclosures



LCHIP	ROA523404	25.00
TRANSFER TAX	RO101163	4,838.00
RECORDING		14.00
SURCHARGE		2.00

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that I, HEATHER A. DOOLITTLE, a married person, TRUSTEE of THE DOUGLAS E. DOOLITTLE TRUST – 2015, u/d/t dated May 15, 2015, of P.O. Box 590, Milton, New Hampshire 03851, for consideration paid, grant to ASRT, LLC, a New Hampshire limited liability company, with an address of 266 Middle Street, Portsmouth, New Hampshire 03801, with WARRANTY COVENANTS, all my right, title and interest in and to the following described premises:

Eight certain lots or parcels of land, together with the buildings thereon, situate in Portsmouth, County of Rockingham and State of New Hampshire, and bounded as follows:

Beginning at the Northwesterly corner of the premises at a point in the Easterly sideline of Peverly Hill Road at the southerly side of McClintock Avenue, and running easterly by the southerly side of McClintock Avenue 160 feet to a corner at the westerly sideline of Leavitt Avenue; thence running southerly by the westerly sideline of Leavitt Avenue 192 feet to the northeasterly corner of Lot No. 117; thence turning and running westerly by the northerly sideline of Lot No. 117, being land now or formerly of Philip B. and Pearl T. Drew 80 feet to a corner at Lot No. 107; thence turning and running northerly by Lots No. 107 and 106 being land now or formerly of Annette Guerette 80 feet to a corner; thence turning and running westerly by said land now or formerly of Annette Guerette, being Lot No. 106, 80 feet to the easterly sideline of Peverly Hill Road; thence turning and running northerly by the easterly sideline of Peverly Hill Road 112 feet to the point of beginning. Comprising Lots No. 103, 104, 105, 112, 113, 114, 115, and 116 as shown on Plans of Lots, Prospect Park Annex, Portsmouth, N.H., recorded in Rockingham County Registry of Deeds, Book 525, Page 481.

It should be noted that parcel No. 116 was acquired by quitclaim deed from the City of Portsmouth, dated October, 1966, and recorded in Rockingham County Registry of Deeds, Book 1842, Page 312. The buildings on the within conveyed premises are not on Lot 116.

Meaning and intending to convey Tract I conveyed to Douglas E. Doolittle, Trustee of The Douglas E. Doolittle Trust – 2015, by Warranty Deed of Douglas E. Doolittle dated May 14, 2015 and recorded in Book 5620, Page 2121 of the Rockingham County Registry of Deeds.

The undersigned, Heather A. Doolittle, Trustee of The Douglas E. Doolittle Trust – 2015, created by Douglas E. Doolittle as grantor under trust agreement dated May 14, 2015, has full and absolute power in said trust agreement to convey any interest in real estate and improvements thereon held in said trust, and no purchaser or third party shall be bound to inquire whether the Trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the Trustee for a conveyance thereof.

This is not the homestead property of the grantor or the grantor’s spouse.

EXECUTED this 26th day of October, 2020.

THE DOUGLAS E. DOOLITTLE TRUST - 2015

[Handwritten signature]

Witness

By:

[Handwritten signature: Heather A Doolittle]

Heather A. Doolittle, Trustee

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM, SS

Personally appeared this 26th day of October, 2020, the above-named Heather A. Doolittle, Trustee of The Douglas E. Doolittle Trust - 2015, known to me, or satisfactorily proven, to be the person whose name is subscribed in the foregoing instrument and acknowledged that she executed the same for the purposes contained therein on behalf of said trust. Before me,



[Handwritten signature]

Justice of the Peace / Notary Public

My commission expires:

0010

80

80

80

Mc Clintock Avenue.

116	117	118	119	120	121	122	123	124	125
116	117	118	119	120	121	122	123	124	125
116	117	118	119	120	121	122	123	124	125
116	117	118	119	120	121	122	123	124	125
116	117	118	119	120	121	122	123	124	125
116	117	118	119	120	121	122	123	124	125
116	117	118	119	120	121	122	123	124	125
116	117	118	119	120	121	122	123	124	125
116	117	118	119	120	121	122	123	124	125
116	117	118	119	120	121	122	123	124	125

Sweatt Avenue.

126	127	128	129	130	131	132	133	134	135
126	127	128	129	130	131	132	133	134	135
126	127	128	129	130	131	132	133	134	135
126	127	128	129	130	131	132	133	134	135
126	127	128	129	130	131	132	133	134	135
126	127	128	129	130	131	132	133	134	135
126	127	128	129	130	131	132	133	134	135
126	127	128	129	130	131	132	133	134	135
126	127	128	129	130	131	132	133	134	135
126	127	128	129	130	131	132	133	134	135

Woodworth Avenue.

136	137	138	139	140	141	142	143	144	145
136	137	138	139	140	141	142	143	144	145
136	137	138	139	140	141	142	143	144	145
136	137	138	139	140	141	142	143	144	145
136	137	138	139	140	141	142	143	144	145
136	137	138	139	140	141	142	143	144	145
136	137	138	139	140	141	142	143	144	145
136	137	138	139	140	141	142	143	144	145
136	137	138	139	140	141	142	143	144	145
136	137	138	139	140	141	142	143	144	145

Leavitt Avenue.

146	147	148	149	150	151	152	153	154	155
146	147	148	149	150	151	152	153	154	155
146	147	148	149	150	151	152	153	154	155
146	147	148	149	150	151	152	153	154	155
146	147	148	149	150	151	152	153	154	155
146	147	148	149	150	151	152	153	154	155
146	147	148	149	150	151	152	153	154	155
146	147	148	149	150	151	152	153	154	155
146	147	148	149	150	151	152	153	154	155
146	147	148	149	150	151	152	153	154	155

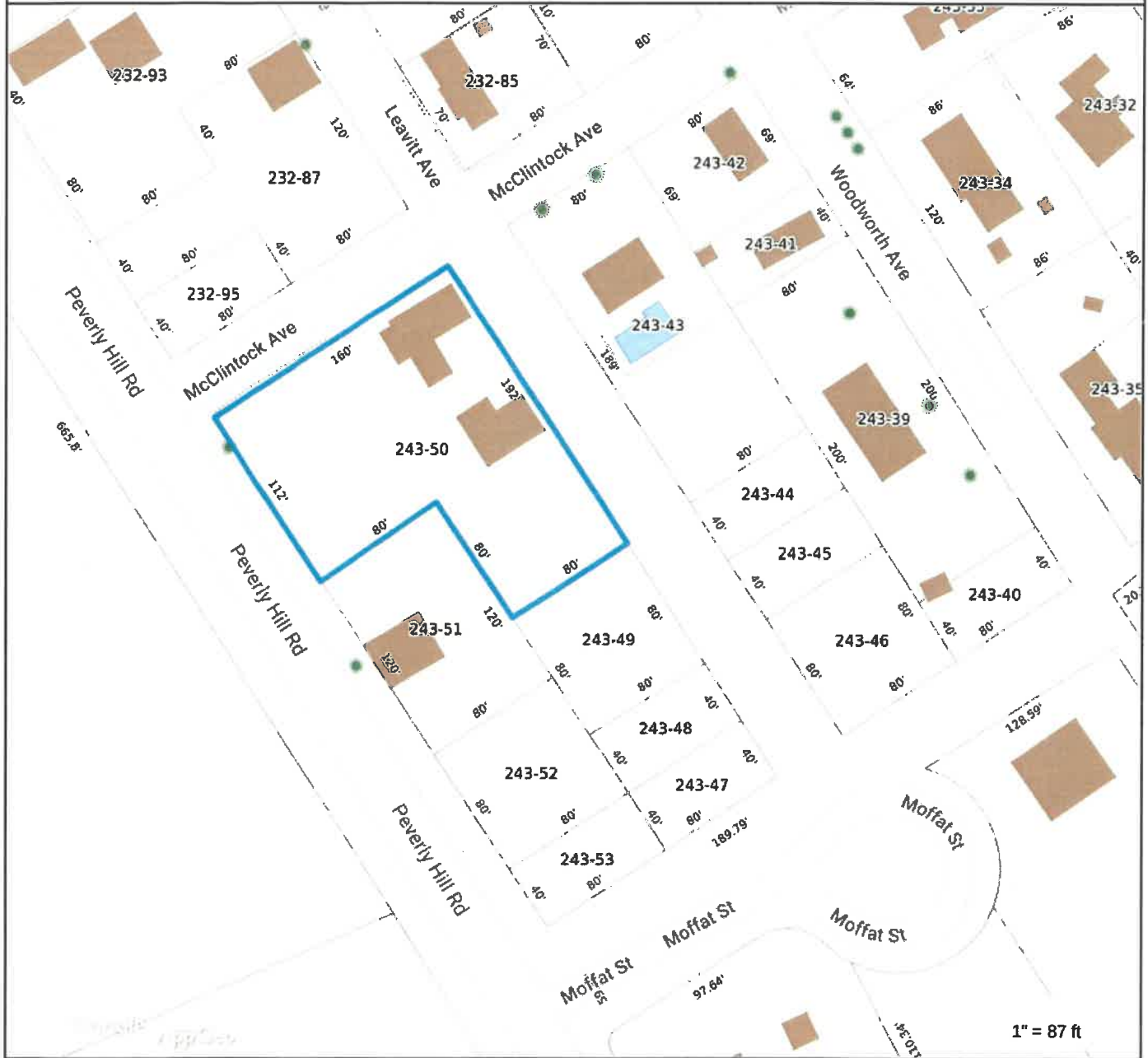
Leavitt Avenue.

Moffatt Street.

Prospect Park Annex
 Portland, N.H. owned by
 Leavitt Woodworth and Sweatt.
 30 Court St. Boston, Mass.
 Surveyed June 7 1902, by F. C. Hoyt, C.E.



138 Leavitt Avenue



Property Information

Property ID 0243-0050-0000
Location 138 LEAVITT AVE
Owner DOOLITTLE DOUGLAS E TRUST - 2015

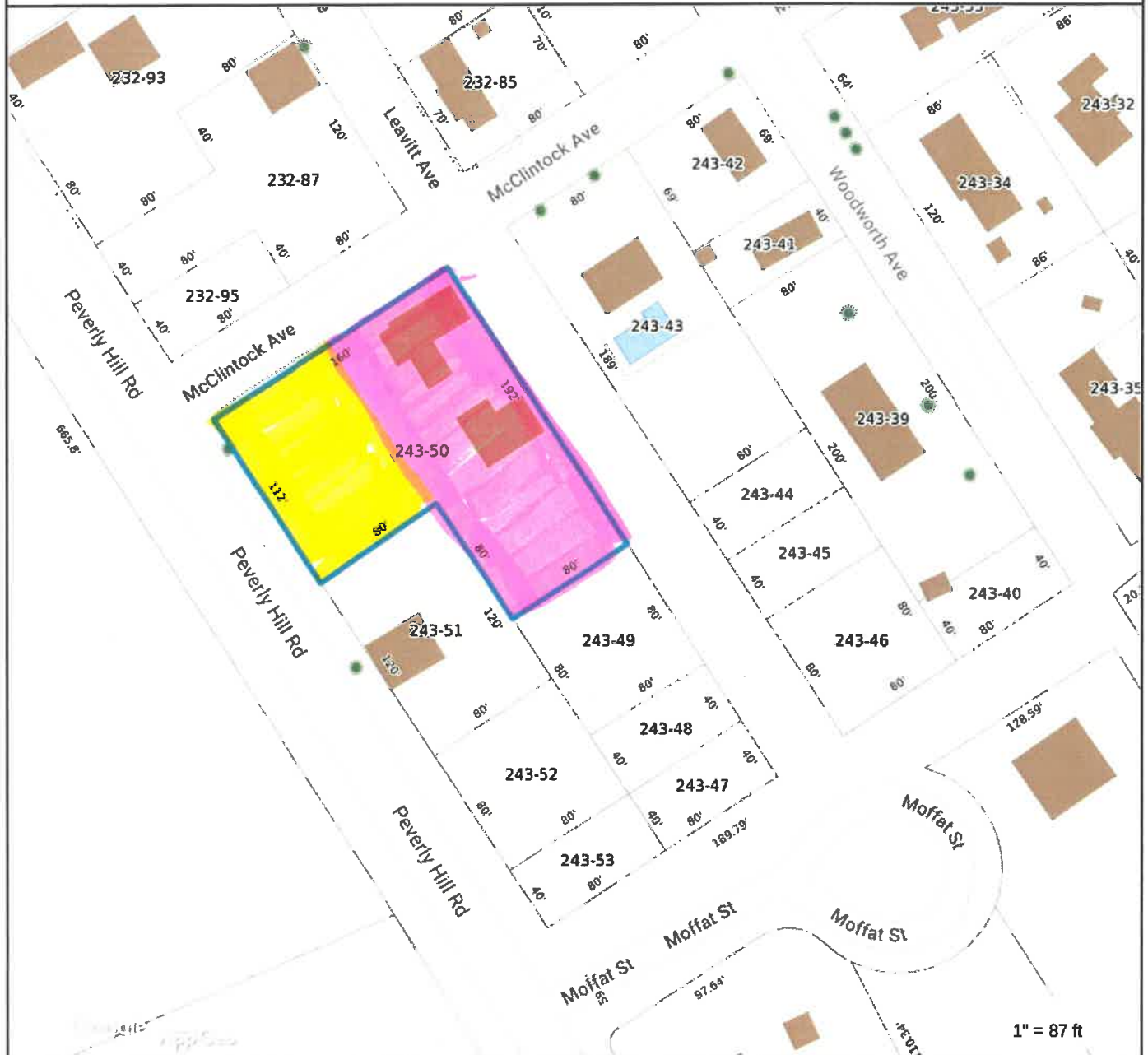


**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

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

Geometry updated 4/1/2019
 Data updated 7/17/2019

138 Leavitt Avenue



Property Information

Property ID 0243-0050-0000
Location 138 LEAVITT AVE
Owner DOOLITTLE DOUGLAS E TRUST - 2015



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Geometry updated 4/1/2019
 Data updated 7/17/2019

138 LEAVITT AVE

Location 138 LEAVITT AVE

Mblu 0243/ 0050/ 0000/ /

Acct# 30799

Owner DOOLITTLE DOUGLAS E
TRUST - 2015

PBN

Assessment \$390,200

Appraisal \$390,200

PID 30799

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$196,100	\$194,100	\$390,200

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$196,100	\$194,100	\$390,200

Owner of Record

Owner DOOLITTLE DOUGLAS E TRUST - 2015
Co-Owner DOOLITTLE DOUGLAS E TRUSTEE
Address 138 LEAVITT AVE
PORTSMOUTH, NH 03801

Sale Price \$0
Certificate
Book & Page 5620/2121
Sale Date 05/26/2015
Instrument 44

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
DOOLITTLE DOUGLAS E TRUST - 2015	\$0		5620/2121	44	05/26/2015
DOOLITTLE DOUGLAS E TRUST - 2015	\$0		5620/2121	44	05/26/2015
DOOLITTLE DOUGLAS E	\$29,200		2268/1610		10/22/1976

Building Information

Building 1 : Section 1

Year Built: 1910

Building Photo

Living Area: 2,105
Replacement Cost: \$262,521
Building Percent Good: 65
Replacement Cost
Less Depreciation: \$170,600

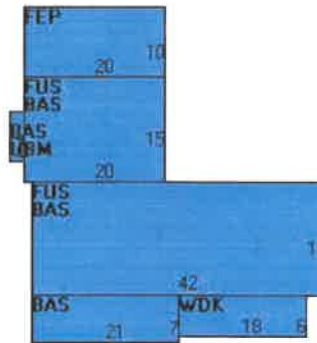
Building Attributes

Field	Description
Model	Residential
Grade:	C-
Stories:	2
Occupancy	1
Exterior Wall 1	Aluminum Sidng
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Carpet
Heat Fuel	Oil
Heat Type:	Warm Air
AC Type:	None
Total Bedrooms:	4 Bedrooms
Total Bthrms:	2
Total Half Baths:	0
Total Xtra Fixtrs:	2
Total Rooms:	8
Bath Style:	Avg Quality
Kitchen Style:	Avg Quality
Kitchen Gr	
WB Fireplaces	1
Extra Openings	0
Metal Fireplaces	0
Extra Openings	0
Bsmt Garage	



(<http://images.vgsi.com/photos2/PortsmouthNHPhotos//0029/138%20LEA>)

Building Layout



(http://images.vgsi.com/photos2/PortsmouthNHPhotos//Sketches/30799_3)

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	1,133	1,133	
FUS	Upper Story, Finished	972	972	
FEP	Porch, Enclosed	200	0	
UBM	Basement, Unfinished	14	0	
WDK	Deck, Wood	108	0	
		2,427	2,105	

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FPL	GAS FIREPLACE	1.00 UNITS	\$1,400	1

Land

Land Use

Use Code 1010
Description SINGLE FAM MDL-01
Zone SRB
Neighborhood 125
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 0.56
Frontage
Depth
Assessed Value \$194,100
Appraised Value \$194,100

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
SHD1	SHED FRAME			120.00 S.F.	\$700	1
FGR1	GARAGE-AVE	02	DETACHED	1008.00 S.F.	\$23,400	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$196,100	\$194,100	\$390,200
2019	\$194,700	\$194,100	\$388,800
2018	\$176,200	\$187,400	\$363,600

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$196,100	\$194,100	\$390,200
2019	\$194,700	\$194,100	\$388,800
2018	\$176,200	\$187,400	\$363,600

CITY COUNCIL E-MAILS

November 16, 2020 (after 4:00 p.m.) – December 3, 2020 (9:00 a.m.)

December 7, 2020 Council Meeting

Below is the result of your feedback form. It was submitted by Josh Denton (joshuaddenton@hotmail.com) on Thursday, November 19, 2020 at 14:41:24

address: 110 Brewery Lane, 312

comments: Instead of holding three readings to delay both the citywide Styrofoam ban and the regulation of single-use disposables on City property, I recommend you simply encourage the Fees Committee to not set a penalty for violations. Restaurants are struggling, and discussing a First Reading on Monday night helped cause your week delay in granting restaurants the relief they sought. Further, this approach will allow the Fees Committee to implement the ordinance when the time is right, opposed to having to go back and amend an ordinance like you are with the Mask Mandate. Having conceived and written both of the ordinances in question, feel free to reach out if you would like me to explain the ordinances or if you have any questions.

Josh
553-1810
includeInRecords: on

Below is the result of your feedback form. It was submitted by Kevin Dwyer, Dwyer's Pub (dwyersportsmouth@gmail.com) on Monday, November 23, 2020 at 15:25:13

address: 96 Bridge Street

comments: To the Mayor and City Council,

Kevin Dwyer here, owner of Dwyer's Pub on Bridge Street. Thank you again for your assistance with outdoor seating during the covid era I am reaching out in anticipation of the possible continuation of outdoor dining through the month of December. As Covid cases continue to spike, our outdoor dining is the safest way for my business to provide service to our clientele. Although the weather is getting colder, the opportunity to serve outdoors in the month of November has been invaluable to my business. In November alone I have been able to generate the income for 1.6 times rent with outdoor dining sales (this does not include indoor or takeout sales). Further, I have been able to provide income for employees who are facing a grim winter themselves (without the security of unemployment benefits like the last shutdown). As I said last week, December is a big sales month in hospitality, and I would love the opportunity to work with the City regarding issues like snow removal.

Thank you!
Kevin Dwyer
includeInRecords: on

Below is the result of your feedback form. It was submitted by Bill Hamilton, Susan Hamilton (bill@phineasgraphics.com) on Wednesday, December 2, 2020 at 10:33:08

address: 108 Penhallow St.

comments: Dear Portsmouth Council,

Thank you for your 6-3 vote in November to have McNabb Properties' request to close a section of Penhallow Street delayed contingent on neighborhood response. We totally agree with that decision.

As business owners on Penhallow Street for over 40 years, the past Covid-19 months have been difficult with regard to the outdoor dining provision—loss of parking spaces, loading zones near our business and other disruptions (traffic congestions due to narrowed streets, problems with our supply deliveries, especially with large 18-wheeler trucks and even further distancing with regard to locating trash and recycling bins for Monday evening pickups.) Despite these issues, we supported this effort to help restaurants during this limited time. Now this!

The need to close a city street to accommodate a private developer seems extremely irregular, if not downright abusive. The developer's needs should be secondary to the orderly business of a city's critical transportation and traffic flow requirements. Did the developer's building permit approval contain language requiring street closure and the loss of 11 or more parking spaces?

We were never directly contacted regarding this proposal, despite the fact that we are very near the project and will be impacted. We've seen no public notice and heard about it only by talking with neighbors.

In addition, with winter coming, the logistics of snow plowing, sidewalk snow removal, customers needing to park remotely to shop Ceres Bakery, Restaurant Massimo and other businesses, residents and professional offices on Sheafe Street, Custom House Lane and Penhallow Street— all make this proposal unrealistic and unnecessary.

We ask that you deny this request going forward.

We are unable to attend the Zoom meeting on Thursday but ask that our letter be read into the record.

Very sincerely,
Bill Hamilton
Susan Kress Hamilton
includeInRecords: on

Below is the result of your feedback form. It was submitted by Robin Albert (info@portsmouthhistory.org) on Wednesday, December 2, 2020 at 11:40:53

address: 10 Middle St

comments: Dear Mayor and Council Members, I am writing on behalf of the Portsmouth Historical Society/Discover Portsmouth to urge you to extend the city's Mask Ordinance. As a front line worker at Discover Portsmouth, we require all visitors to wear masks while in the building. The ordinance gives us that extra level of confidence in making this requirement. Though the State ordinance continues through Jan. 15, I believe, we don't know if that will extend. So I encourage you to extend our City ordinance in support of all of our businesses who are requiring mask.

Thank you.

includeInRecords: on
Engage: Submit