

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_B4_7jZGKTVSPRvRBtj5Lsg

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 2020-25, 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, MAY 3, 2021

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 – MARCH 22, 2021; APRIL 5, 2021 AND AUGUST 3, 2020**
- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
- IX. **PUBLIC COMMENT SESSION – (*Via Zoom*)**
- X. **PUBLIC DIALOGUE SUMMARY [when applicable] - **POSTPONED****
- XI. **PUBLIC HEARING AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**

Public Hearing & Second Reading:

- A. Public Hearing/Second Reading of Ordinance amending Chapter 7, Article IX, Section 7.901 – PENALTIES, FORFEITURES AND SEPARABILITY

XII. MAYOR BECKSTED

1. Appointments to be Considered:
 - Daniel Brown to the Historic District Commission as a regular member
2. *Mayor's Blue Ribbon Audit Committee
 - Chris White
 - David McDonald
 - Council Representative Petra Huda

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. Neighborhood Committee Year-End Report – February 6, 1995 (*Informational*)

B. COUNCILOR WHELAN

1. **Action Items Needing Approval by City Council:**

- Request to prohibit truck traffic on Bartlett Street once Hodgdon Way (Cate Street connector) is fully open to traffic in July (***Sample motion – move to prohibit truck traffic on Bartlett Street as expeditiously as possible***)
2. Parking and Traffic Safety Action Sheet and Minutes of the April 8, 2021 meeting (***Sample motion – move to accept and approve the April 8, 2021 Parking and Traffic Safety Committee actions and minutes***)

C. COUNCILOR KENNEDY

1. *Request for Site Walk at Pannaway Manor (***Sample motion – move that the City Manager schedule a site walk at Pannaway Manor to look at the sound barrier and include those residents, any interested parties and the State with a date to be scheduled on a Saturday***)

D. COUNCILOR HUDA

1. March 2021 Monthly Report (***Sample motion – move for a report back from the City Manager to the residents and City Council on the following questions on the March 2021 Monthly Report:***

1) ***On page 4***

General Government

Overtime is at 127% of Budget – (At 75% of the Fiscal Year)

Please identify which Departments this is in and why?

On page 5

If this capped at \$2,412,305, why is this overage showing here in general fund after revenue cap reached?

(Estimated revenues that are transferred to the general fund for the full year are \$2,412,305 YTD received is \$2,726,634 or 113%)

On page 6

Why are there 14 categories over 100% of estimated revenues when we are only 75% thru FY21?

(Same categories as March 2020) Why does this keep happening?

On page 7

Please correct the following % errors

Municipal Aid EST \$205,234 YTD Rec \$194,479 95%

Use of Fund Balance EST \$150,000 YTD Rec \$150,000 100%

2) ***What is the balance of the cash & short term investments at April 30, 2021***

E. COUNCILOR TRACE

1. *Proposed Development Projects Near North Mill Pond (***Sample motion – move that the City Manager and Planning Department report back on all the currently proposed development projects bordering/near North Mill Pond. Which development projects have proposed buildings and/or parking that fall within the fifty foot buffer zone of North Mill Pond and what is percentage/footage of building. And again to report on, of proposed projects bordering/near North Mill Pond, which projects have buildings/parking that fall within the 100 foot buffer zone of North Mill Pond. How much of the buildings/project falls there for each development project and location***)
2. *Endangered Species of the North Mill Pond (***Sample motion – move that City Manager Conard and Department of Public Works report on any endangered species that use and or make North Mill Pond home***)
3. *Fireworks Display (***Sample motion – move to have City Manager Conard reach out to appropriate past supporters/sponsors and report back on having a City of Portsmouth fireworks display on this July 3, 2021 in celebration of Fourth of July and further, approve the holding of the Annual City of Portsmouth Fireworks Display in Celebration of The Fourth of July on July 3, 2021 with appropriate rain date***)

XIV. APPROVAL OF GRANTS/DONATIONS

- A. *Wellness Reward - \$150.00 (***Sample motion – move to approve and accept the reward of \$150.00 from HealthTrust***)
- B. Acceptance of Grant from the NH Department of Safety for Night Vision Equipment - \$15,392.26 (***Sample motion – move to approve and accept the grant for the Police Department from the NH Department of Safety in the amount of \$15,392.26 as presented***)
- C. Acceptance of Grant from the NH Department of Justice for expenses incurred and service provided for direct victim services – \$24,759.00 (***Sample motion – move to approve and accept the pending grant funds for the Police Department from the NH Department of Justice in the amount of \$24,759.00 as presented***)
- D. *Acceptance of Donation of Two Animal Carriers from Port City Veterinary Referral Hospital for the Police Department (***Sample motion – move to approve and accept the donation of two animal carriers for the Police Department and Animal Control Officer***)

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Portsmouth Waterfront, LLC's Temporary Construction License Request for 10 State Street

2. Chevrolet Avenue Sidewalk Easements
3. Request to Schedule Public Hearing Regarding Indigenous Peoples' Day
4. One-Year Extension of Operating and Lease Agreement with SIPP

XVI. CONSENT AGENDA

- A. Letter from Monte Bohanan, Portsmouth Halloween Parade, requesting permission to hold the Halloween Parade on Sunday, October 31, 2021 at 7:00 p.m. ***(Sample motion – move to refer to the City Manager with Authority to Act)***

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence ***(Sample motion – move to accept and place on file)***
- B. Request of Restoration of Involuntary Merged Lot – 635 Lincoln Avenue ***(Sample motion – move to refer to the Planning Board and City Assessor for report back)***
- C. Request of Restoration of Involuntarily Merged Lots – 344 Aldrich Road ***(Sample motion – move to refer to the Planning Board and City Assessor for report back)***

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Vaccination Update from Fire Chief Todd Germain

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

1. Citywide Neighborhood Committee Ward 1 Zoom Forum – March 31, 2021 Minutes
2. Citywide Neighborhood Committee Meeting – April 21, 2021 Minutes

XX. ADJOURNMENT [at 10:30 p.m. or earlier]

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

**Indicates verbal report*

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 22, 2021

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

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_6xNBjq9_S46azNsl8cmTtg

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 2020-25, 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.

Mayor Becksted 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 2020-25 and Emergency Order #12, Section 3. Members location. All votes will be by roll call.

III. CALL TO ORDER

At 7:12 p.m. Mayor Becksted called the meeting to order.

IV. ROLL CALL

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

V. INVOCATION

Mayor Becksted asked for a moment of silent prayer due to the impasse our country is in and urged everyone to be patient.

VI. PLEDGE OF ALLEGIANCE

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

VII. ACCEPTANCE OF MINUTES – FEBRUARY 22, 2021; JUNE 22, 2020 & JULY 15, 2020

Councilor Tabor moved to accept and approve the minutes of the February 22, 2021; June 22, 2020 and July 15, 2020 City Council meetings. Seconded by Councilor Whelan.

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

IX. PUBLIC COMMENT SESSION

Tom Ferrini spoke on behalf of the Portsmouth Housing Authority regarding their Capital Improvement Projects. He spoke to the 60 year history the Housing Authority has with the City and that he hopes to continue the relationship. He asked for the Council's assistance in moving the projects forward.

Ken Goldman spoke on the delay of the Islington Street Corridor Project and said it is important to move the project forward in 2022. He said that this is a gateway to the City which need improvements. He addressed safety items and issues surrounding pedestrians that exist and need to be dealt with. In closing, he requested the City Council move the project forward.

Andrew Bagley said at the last meeting the emails from the State regarding the Middle Street Bike Lanes were not provided in the packet for the public to review. He said a purpose of needs statement has to be made public and asked how many public hearings will need to take place on this project.

Stefany Shaheen, Police Commission Chair, spoke regarding the new Police Department and that this is clearly a responsible request for the Capital Improvement Plan. She said we are at a critical cross roads with the space needs for the building. She said that a new department will take 3 to 5 years to complete and we need to get started right away. She addressed the current safety issues the Police Department are having and that they need to continue to be addressed while they remain in the current building.

Joe Onosko, Police Commissioner said he agrees with Commissioner Shaheen's comments. He said the staff has been terrific dealing with health and safety issues and we need to move forward on building and planning for a new Police Department.

Tom Hart, Police Commissioner spoke in support of comments made by the two commissioners in support of building a new Police Department. He said the staff comes in every day and deals with the issues within the building and the effects it has on them personally but it is time to move forward.

Mark Brighton said he is concerned that a request for data was not granted by staff and should be made available in the format requested by the Council.

Chris Robillard spoke with disappointment on what took place on the Middle Street Bike Lanes. He said no one saw the emails on what you would need to do, which should have been made available. He said it was a lesson in bad government and said it was shameful.

Councilor Kennedy moved to suspend the rules to take up Item XV. A.1. – Adoption of Proposed Capital Improvement Plan. Seconded by Councilor Huda.

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

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Adoption of Proposed Capital Improvement Plan

Various City Councilor's went through sections of the Capital Improvement Plan and spoke to projects they wanted to see changed, removal of funding, push out funding, reduce funding and moving projects sooner within the plan.

PHA Court Street Project Driveway:

Councilor Huda moved to remove the funding for the PHA Court Street Project Driveway. Seconded by Councilor Kennedy.

Councilor Kennedy said the work is fine but she feels it is setting a precedent and is concerned on the affect it would have on future requests.

On a roll call vote 3-6, motion failed to pass. Councilors Kennedy, Huda and Tabor voted in favor. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Trace and Mayor Becksted voted opposed.

PHA Court Street Project Pedestrian and Park Improvements:

Councilor Huda moved to remove the funding for the PHA Court Street Project Pedestrian and Park Improvements. Seconded by Councilor Kennedy.

Councilor Huda does not feel the City should pay for this but the park should be put back at the expense of the Housing Authority.

Councilor Tabor said this is worth the City to pay for a reconstruction for the Fire Department Plaza with the statute.

Mayor Becksted said that this will be different from what was in place previously and will be a big challenge.

Councilor McEachern said there were stipulations for the Ruth Griffin Place which had requirements by the city.

Councilor Trace said we can all look at each other and see the park was removed because of construction and she would like to see the park returned. She said this is the right thing to do.

Councilor Lazenby said it is about a walk way as well. He said this is important and a reasonable piece that we need to make the section available and accessible.

City Manager Conard said a no vote would put Portsmouth Housing Authority in violation of site review approvals.

Councilor Kennedy said it is great to have a park but there is a bigger concern.

On a roll call vote 1-8, motion failed to pass. Councilor Huda voted in favor. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Trace and Mayor Becksted voted opposed.

Marjorie Street Wastewater Pumping Station:

Councilor Huda moved to push out funding for this project to FY23. Seconded by Councilor Kennedy.

City Attorney Sullivan reported that the land in question is owned by Mr. Boyle and he wants us to remove the sewer line and the court agreed to that.

Councilor Lazenby asked if we push out the project for a year would it invite penalties. City Attorney Sullivan said any delay will cost the City money.

Councilor Lazenby said if a settlement was reached could we modify the CIP or not expend the funds. He said he would oppose the motion.

Councilor Trace said we have a judge that ruled in favor of the City removing the sewer pipe at some point. She said we need a pump station to move the pipes to a different spot. She understands moving it out one year but is this something that the City feels should be attended to immediately. City Attorney Sullivan said the City should move forward expeditiously. He said there is some limit on discussion at this point.

Councilor Tabor said the CIP is to communicate our future capital plan for residents and City Council.

On a roll call vote 3-6, motion failed to pass. Councilors Kennedy, Huda and Mayor Becksted voted in favor. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Tabor and Trace voted opposed.

Diversity, Equity and Inclusion Strategic Plan:

Councilor Huda moved to remove the funding from the CIP and put it into operating expenses. Seconded by Councilor Kennedy.

Councilor Kennedy said this is a reoccurring expense for employees and board and commission members to take part in the program.

Councilor Huda said she does not feel the plan is building and infrastructure related.

Assistant Mayor Splaine said this is something that needs to be done and is specific for the City and our needs.

Councilor McEachern said if we agree with the money we want to spend and we are spending too much time on re-crafting items.

Councilor Tabor said we will not support this. He said this qualifies for more than a year.

On a roll call vote 1-8, motion failed to pass. Councilor Huda voted in favor. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Tabor, Trace and Mayor Becksted voted opposed.

New Police Department Facility:

Councilor Huda moved to reduce \$2.8 million in funding for FY22 to \$1.4 million and leave the FY23 estimated construction at \$39.2 million until we can receive a better estimate. Seconded by Councilor Kennedy.

Councilor Lazenby asked Chief Newport if he agreed to reduce the funding. Chief Newport said the \$2.8 million will give us what we need. He wants to keep the \$1.4 million which will allow the department to start on the design phase of the project.

Councilor Trace wants to make sure we are not reducing the ratio. Public Works Director Rice said you will reduce the ratio but it will allow the design process to start incrementally.

Councilor McEachern said he would support the motion as long as Chief Newport is in favor and Public Works Director Rice agrees. He said the City needs to move forward in some way.

Police Chief Newport said he agrees the \$2.8 million is what they are looking for because it keeps the ball moving forward.

Assistant Mayor Splaine said he opposes the motion. He said the Police Department has spoken to their real needs and he does not want to take a chance in a further delay. We are comfortable with the current motion. He said this could delay further if we don't move forward soon.

Councilor Whelan said he supports the \$1.4 million and if the \$2.8 million was needed they would speak to that matter. He said he would like to see this placed on City land and if there were land cost we would need the \$2.8 million.

Councilor Trace said she will support the motion and the \$1.4 million is a good place to start.

Councilor Kennedy said she appreciate the work on bringing the City budget down for the City residents.

Councilor Huda said she would like to verify that the page 57 project remains in the CIP. City Manager Conard confirmed the funding will remain and improvements will be made.

Mayor Becksted said he looks forward to the discussion moving forward. He would like to see large City projects and create a Committee on the process for projects and will make recommendations coming forward.

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

Wayfinding:

Councilor Kennedy moved to remove the funding. Seconded by Councilor Huda.

Planning Director Walker explained the wayfinding program which is a local focus on signs. She said that this is a phased approach project and we are focusing on outlining areas directing people to the most popular spots.

Assistant Mayor Splaine said Planning Director Walker has done some great work on this project. He said GPS does not always work like a sign and wayfinding will direct people to our sites.

Councilor Huda said she will support Councilor Kennedy on this motion where we have spent \$642,000.00 on wayfinding and we are asking for another \$300,000.00 and she feels there are better uses of these funds.

Councilor McEachern said wayfinding will show us parts of our history and neighborhoods. He would like to see these incorporated in other parts of the City.

Councilor Tabor said this is a way to direct people to places and not to rely on technology.

Mayor Becksted said we pushed out wayfinding in the past and he would like to see less signs.

On a roll call vote 3-6, motion failed to pass. Councilors Kennedy, Huda and Mayor Becksted voted in favor. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Tabor and Trace voted opposed.

Councilor Kennedy expressed concern on the Annual Water Line Replacement which is going from two pipes down to one pipe. She asked what would happen if the pipe failed.

Deputy Public Works Director Goetz said the project is actively in design, with bidding this fall and construction over the winter.

Discussion followed regarding the project and the pipe.

Councilor McEachern requested information back from the Public Works Department on whether the drinking water transmission pipe is buried or sits on the floor of the Bay. Deputy Public Works Director Goetz said the pipes are in different locations.

Combined Funds Projects (General Fund-Water Fund-Sewer Fund) Islington Street Improvements Phase 2:

Councilor Trace moved the funding for the project from FY27 into FY22. Seconded by Councilor Whelan.

Councilor Trace said it is time for the project to move forward, this is a health safety issue and main entrances into the City.

Councilor Lazenby asked what impact this would have on the CIP and what impact was it to move back and would we see other projects moved.

City Manager Conard said we would propose to handle cost of design for FY22 and look to bond in FY23.

Public Works Director Rice said this would help get moving forward construction which would start in a year from now.

City Manager Conard said we would seek bonding to move the construction forward. Public Works Director Rice said we reviewed what projects could be moved out. He said water and sewer rates are firmed up and water and sewer side can absorb the costs and working with Finance Director Belanger and Deputy Finance Director Purgiel the impact would be in FY23.

Councilor Trace asked that this would benefit the drinking water for residents and there is still some combined sewer work going into Congress Street. Public Works Director Rice responded affirmatively.

Councilor Trace said she would like the entire project to be shifted in FY22 and the rest of the project does not get shifted back. She asked City Manager Conard if there are federal funds for the part of the project that could not be picked up. City Manager Conard said we would look at COVID/FEMA funds availability.

Councilor Huda said 1A is all most done and we are starting 1B with continuing with 2, 3, and 4. She asked could we do this and how many construction seasons would it take. Public Works Director Rice said 2 additional construction season. He said we will go to residents that are impacted. He said we anticipate traffic detours and this section will be more challenging to do due to the narrow roadway section of Islington Street.

Councilor Trace said for 6-12 months for design and Phase II will allow smaller businesses to go right up into Congress Street for a year to break before construction.

Councilor McEachern said he supports this being pulled up. He would like to see this connected to other parts of the area.

Councilor Lazenby said he understands moving it forward from FY27 but has concerns moving it forward to next year as some people would like to breath and would like to see other areas receive that kind of improvements. He said there is an omission from the CIP for the McIntyre Project and asked when we would we know what the McIntyre investment would be.

Councilor Whelan said he would support the project. He said this is a gateway street to our downtown.

Councilor Kennedy said we have saved \$1.4 million in amendments to the CIP this evening.

Mayor Becksted said we moved the project forward and our water and sewer funds will cover costs and COVID funds could be used for this project.

On a roll call vote 8-1, motion passed. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Lazenby voted opposed.

Adoption of Proposed Capital Improvement Plan:

Assistant Mayor Splaine moved to approve the Capital Improvement Plan FY22 – FY27 with voted upon changes. Seconded by Councilor Huda.

Councilor Lazenby said he would vote opposed to the motion because there is no funding for the McIntyre project.

On a roll call vote 8-1, motion passed. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Lazenby voted opposed.

At 9:15 p.m., Mayor Becksted declared a brief recess. At 9:28 p.m., Mayor Becksted called the meeting back to order.

XII. MAYOR BECKSTED

1. Appointment to be Considered:
 - Reappointment of Samantha Collins to be Conservation Commission
 - Appointment of Chris Gallot to the Peirce Island Committee
 - Reappointment of Thomas Ferrini to the Portsmouth Housing Authority
 - Reappointment of Carl Diemer to the Recreation Board
 - Reappointment of Kathryn Lynch to the Recreation Board
 - Appointment of Robert Bogardus to the Recreation Board
 - Appointment of Aubrey Gewehr to the Sustainable Practices Blue Ribbon Committee

The City Council considered the list of recommended appointments and reappointments which will be voted upon at the April 5, 2021 City Council meeting.

XIII. CITY COUNCIL MEMBERS

A. COUNCILOR LAZENBY

1. Proposed City Council Rule regarding transparency of City Council actions

Councilor Lazenby moved to adopt, as part of the Revised Rules & Orders of the Portsmouth City Council. Seconded by Councilor Tabor.

Rule 48: Motions to be Germane to Agenda

No Member of the City Council shall make any motion at a City Council meeting except those motions which logically relate to an item contained in the written Agenda. To make a motion not logically related to an item contained in the written Agenda, the City Council would first need to vote by a two-thirds majority to suspend this rule.

Councilor Lazenby said he feels this rule change is necessary and is supported by Roberts Rules of Orders. He said it is better to give everyone informed advance notice when requesting action on items.

Councilor McEachern said at first he thought that it was reactively to the Middle Street Bike Lanes but no longer feels that way.

City Attorney Sullivan said the concept that the actions should follow the agenda to know what is coming forward and deal with items, this rule states this in a more specific way.

Councilor Kennedy asked if we are already following this rule. She said she would not support this motion.

Councilor Huda said there is too much room for interpretation and does not feel we need any friction that could be caused by this motion.

City Attorney Sullivan said the person running the meeting does not feel something is related to the agenda that would be an example of what this motion means.

Councilor Lazenby said he received this verbiage from the City Attorney and the City Council has taken action on items that were not of the agenda.

Assistant Mayor Splaine said that this is a good process issue. We need to protect interests and concerns. He said the minority of 9 members is protected and realize on the openness and provide public with an idea of motions coming forward. He said the City Council could challenge the ruling and make things up front and center.

Mayor Becksted said that he feels this is with direct action of the Middle Street Bike Lanes.

On a roll call vote 4-5, motion ***failed***. Assistant Mayor Splaine, Councilors McEachern, Lazenby and Tabor voted in favor. Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted opposed.

XIV. APPROVAL OF GRANTS/DONATIONS

- A. Approval of National League of Cities Grant - \$10,000.00

Councilor Kennedy moved to authorize the City Manager to execute the Memorandum of Understanding with the National League of Cities as presented, and accept the grant funds in the amount of \$10,000.00. Seconded by Councilor McEachern.

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

XV. CITY MANGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

2. Peverly Hill Road Complete Street Project Public Comment Summary and Request for Public Necessity Hearing

City Manager Conard said City staff held a public meeting on February 17th which had 47 participates attend. She said comments received could be addressed during final design.

Councilor Kennedy moved to schedule a walkabout of Peverly Hill Road on Saturday, April 3rd at 10:00 a.m. for the public to learn about and see what is possible, what taking would be, and hold a public necessity hearing on April 19, 2021 during the regular City Council meeting to establish the right-of-way needs for the Peverly Hill Road Complete Street Project. Seconded by Councilor Huda.

Assistant Mayor Splaine said that is a good idea and if not this coming Saturday next Saturday. He spoke to his walks of neighborhoods and said resident have different views on this matter.

Mayor Becksted said we should work with staff on a date. He said we need to look at this through the residents. He would like to see this put into the newspaper for noticing and on the website.

Councilor Lazenby asked City staff on the impact of the schedule would be.

Councilor Kennedy said Deputy City Attorney Woodland said if someone feels there is an issue with the taking the project should stop. She said we need a conversation with residents and hear what they have to say.

Mayor Becksted said he would like to move forward with April 5th.

Councilor Kennedy said she would like to have a site walk before a public hearing is held.

Public Works Director Rice said he is acceptable with pushing the public hearing out to April 19th.

Councilor Kennedy agrees with having a site walk on April 3rd and the public hearing on April 19th. Councilor Huda agreed.

Councilor McEachern would like to have the site walk and public hearing closer together for clearer opinions on this matter.

Councilor Huda said that April 3rd to April 19th would allow us to have feedback received from residents.

City Attorney Sullivan said it would be a public hearing noticed in advance with minutes of what happens. He said it may be necessary to make a site walk into a required site walk followed by a public hearing.

City Manager Conard said she will have staff and consultants at the meeting.

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

3. Resolutions to Opt-In to the Great Bay Total Nitrogen General Permit and Draft Intermunicipal Agreement

City Manager Conard reported a meeting was held on this matter on March 11th.

Councilor Kennedy thanked Michael Cobb from the EPA for speaking with her. She said she is still trying to figure out the bubble and she was told by staff they were separate and EPA said they would be considered as one because they are owned by the same entity. She asked why we are paying so much more. She said the dilemma is Lonza and no one could determine how low the Pease plant would go in opting in one reason is because of Lonza. She said if that is a fact and is costing extra money are we effecting the Bay more than others.

Deputy City Attorney Woodland said you were wondering if we could have a bubble outside the Great Bay Total Nitrogen Permit but we did say the bubble adopted because it is looking at the total load. She said it is a different concept and we could not have it as a stand-alone.

Councilor Kennedy asked could Portsmouth be looking at Pease and Peirce Island together and not separating. She said that Mr. Cobb said you could look at the bubble concept.

City Engineer Desmarais said the City is the owner and we are looking at it as one discharge. Councilor Kennedy asked to look at the total nitrogen. Engineer Desmarais said nitrogen is 340 liters per day. Councilor Kennedy asked why we are spending more than everyone else involved. Deputy City Attorney Woodland said we are discharging more than other communities. She said the purpose was to provide something to discuss the process and members will look at the contributions.

Councilor Kennedy said she is having a hard time with the costs. She said transparency is that EPA would hold open meetings and minutes taken. Deputy City Attorney Woodland said other communities are aware there is a need for more transparency and everyone was fine with that and has been favorably received.

Deputy City Attorney Woodland said the permit is to our advantage and trying and receive the goal of the permit and look at other pollutants as well. Councilor Kennedy said we need to look at Lonza and in 5 years we will need to get the numbers down and it could mean a million dollars for cleaning at Peirce Island. Deputy City Attorney Woodland said this is a continued conversation on this subject and Pease.

Councilor Lazenby moved to adopt the Resolution entitled, “Approval of Submit a Notice of Intent to Obtain Coverage under the Great Bay Total Nitrogen General Permit” and the Revised Resolution entitled, “Approval to Enter an Intermunicipal Agreement for Development of an Adaptive Water Quality Management Plan for Great Bay Estuary.” Seconded by Councilor McEachern.

Councilor Kennedy said she would like to add that the coalition have transparency. Deputy City Attorney Woodland said that is already a part of the Resolution.

Councilor Lazenby asked if more is needed in the Resolution than the motion. Deputy City Attorney Woodland said it would be useful on discussions but it has no bearing on the Resolution.

Mayor Becksted asked how important it is to have the discussion on this matter is. Deputy City Attorney Woodland said we have the April 1st deadline on this matter and the Resolution would be supportive of that. Deputy City Attorney Woodland said if we do not opt in by April 1st we would receive a separate permit for Pease with limited technology. Councilor Trace said it would put us into noncompliance immediately. Councilor Trace said the transparency was on meetings of communities going forward.

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

XVI. CONSENT AGENDA

- A. Request for License to Install a Projecting Sign for owner NNE Hospitality Group LLC for property The Puddle Dock Restaurant, LLC located at 66 Marcy Street (***Anticipated action - move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director’s Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***

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

- B. Request for License to Install a Projecting Sign for owner Henry Pariseau for property Portsmouth Feed Co. located at 22 Market Square Unit 1 (**Anticipated action - move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request**)

Planning Director's Stipulations

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

- C. Request for License to Install a Projecting Sign for owner Ahmed Beju for property Sineore Cannoli located at 70 Congress Street (**Anticipated action - move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request**)

Planning Director's Stipulations

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

- D. Letter from Ilysse Sirmaian, Portsmouth Babe Ruth, requesting permission for placement of temporary signage at Leary Field during the 2021 baseball season
(Sample motion – move to refer to the City Manager with Authority to Act)

Councilor Kennedy moved to adopt the Consent Agenda. Seconded by Councilor Huda.

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

Councilor Kennedy moved to suspend the rules in order to continue the meeting beyond 10:30 p.m. Seconded by Councilor Huda.

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

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email correspondence

Councilor Kennedy moved to accept and place on file. Seconded by Councilor Huda.

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

- B. Letter from Larry Cataldo, Citywide Neighborhood Committee, regarding Chevrolet Avenue Sidewalk Project

Assistant Mayor Splaine moved to refer to the City Manager for report back. Seconded by Councilor Huda.

Councilor Lazenby said he spent years on the Citywide Neighborhood Committee and efforts were made to remain impartial on projects and it is challenging to him that they are advocating one project over another project in another neighborhood. He would like to see a process on these matters be implemented.

Councilor Kennedy said she is asking for the City Manager to provide a report back on the letter.

Councilor Huda said this is on a report back.

Assistant Mayor Splaine said the Committee spent time on this matter and the Citywide Neighborhood Committee can look at a matter out of a conflict and look at concerns of a neighborhood.

Councilor Whelan said he agrees with Assistant Mayor Splaine and Parking and Traffic Safety has reviewed this and there is a study underway and money available for the study.

City Manager Conard said a memorandum will be provided on this matter. She said this is a safety matter on Chevrolet Avenue.

Councilor Tabor said the Citywide Neighborhood Committee needs to be indifferent and should not be told how to operate.

Councilor Lazenby said he understands and would like feedback and impartiality on neighborhoods.

On a roll call vote 8-1, motion passed. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Lazenby voted opposed.

- C. Email Correspondence from Bill Watson, NH Department of Transportation, regarding Middle Street Bike Lanes

Councilor Lazenby moved to request a report back from City staff regarding a plan to implement the Middle Street Bike Lane changes adopted on March 15, 2021 in a manner compliant with the guidelines expressed by the NHDOT in their e-mail dated March 15, 2021. Seconded by Councilor McEachern.

Councilor McEachern said the City Attorney stated that we were implementing the letter sent on bike lanes and we implement the entire letter.

Councilor Lazenby said the motion is on how the implementation would be achieved.

Councilor McEachern said it is reasonable that we have a plan around this.

On a roll call vote 4-5, motion failed to pass. Assistant Mayor Splaine, Councilors McEachern, Lazenby and Tabor voted in favor. Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted opposed.

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

- 1. Report Back on CIP and Bonding Process as Requested by Councilor Huda at the 3/15/2021 Council meeting

Councilor Huda requested a report back on the percentage of completion for projects started prior to this year.

Councilor Kennedy requested a report back on projects that have been bonded and are still in progress.

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

- 1. Citywide Neighborhood Committee Meeting Minutes of March 3, 2021

Assistant Mayor Splaine said the minutes are informational and the minutes will be provided moving forward.

Councilor Kennedy moved to enter into Non-Public Session regarding the Great Bay Total Nitrogen General Permit per RSA 91-A:3 (II) (1). Seconded by Councilor Huda.

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

XX. ADJOURNMENT

At 11:20 p.m., Assistant Mayor Splaine moved to adjourn and seal the Non-Public Session minutes. Seconded by Councilor McEachern.

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

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

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, APRIL 5, 2021

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

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_34EygAE3SWmnTRy5Usub5Q

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 2020-25, 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.

Mayor Becksted 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 2020-25 and Emergency Order #12, Section 3. Members location. All votes will be by roll call.

III. CALL TO ORDER

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

IV. ROLL CALL

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

V. INVOCATION

Mayor Becksted asked for a moment of silent prayer.

VI. PLEDGE OF ALLEGIANCE

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

PROCLAMATION

1. Library Week

Mayor Becksted read the Proclamation declaring the week of April 5th as Library Week in the City of Portsmouth.

VII. ACCEPTANCE OF MINUTES – MARCH 8, 2021; MARCH 11, 2021; MARCH 24, 2021; JULY 13, 2020 AND DECEMBER 7, 2020

Councilor Kennedy asked if there was an issue that went to court that is a topic contained in the minutes what would be permissible in the case the written minutes or the video tape. City Attorney Sullivan said if there were a conflict between the video and minutes it would be the video.

Councilor Tabor moved to accept and approve the minutes of the March 8, 2021; March 11, 2021; March 24, 2021; July 13, 2021 and December 7, 2020 City Council meetings. Seconded by Councilor Whelan.

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

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. Recognition of Aadhavan Veerendra, New Hampshire State Spelling Bee Champion

Mayor Becksted recognized and congratulated Aadhavan Veerendra for winning the New Hampshire State Spelling Bee Champion.

IX. PUBLIC COMMENT SESSION

Josh Denton reminded residents you have until April 15th to file for tax credits/exemptions. He asked that the city promote the exemptions and credits to make more residents aware of the ability to file.

Liza Hewitt spoke to the 105 Bartlett Street project and how it is approaching the wetlands buffer. She spoke opposed to allowing a 50 foot setback from the North Mill Pond. She said that the impact will destroy this special area of the city and the impact to the environment is overwhelming.

Andrew Bagley spoke to the proposed parking fine increases and his opposition to the high rates. He said the city should look at something to address repeat offenders and not everyone. He suggested increasing fines after a person receives between 3 and 5 tickets.

Mark Brighton spoke in favor of Councilor Huda's motion to expand the time and selection of an auditing firm.

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

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

Assistant Mayor Splaine move to suspend the rules to take up Item XVII. B. – Brief COVID-19 Update by Health Officer Kim McNamara. Seconded by Councilor Kennedy.

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

Health Officer McNamara provided and updated on the various statistics related to the COVID-19 virus. She reported that Strafford and Rockingham Counties currently have the highest number of cases and that New Hampshire current active cases are at 3,731. She reported that New Hampshire is racing to get people vaccinated and at this time we are at 40.4%. She addressed that 16-17 year olds are eligible to receive the Pfizer vaccine and all residents are encouraged to register on-line to be vaccinated.

Assistant Mayor Splaine asked Health Officer McNamara to speak to social distancing. Health Officer McNamara spoke to the importance of avoiding large crowds. She addressed the vaccines that are available and those eligible to receive them and stated that we will understand more about the vaccines in the fall.

Councilor Kennedy spoke to the guidance of 3 feet social distancing for schools. Health Officer McNamara confirmed that guideline.

XII. MAYOR BECKSTED

1. Appointments to be Voted:

- Reappointment of Samantha Collins to be Conservation Commission
- Appointment of Chris Gallot to the Peirce Island Committee
- Reappointment of Thomas Ferrini to the Portsmouth Housing Authority
- Reappointment of Carl Diemer to the Recreation Board
- Reappointment of Kathryn Lynch to the Recreation Board
- Appointment of Robert Bogardus to the Recreation Board
- Appointment of Aubrey Gewehr to the Sustainable Practices Blue Ribbon Committee

Councilor Kennedy moved to reappoint Samantha Collins to the Conservation Commission until April 1, 2024; appointment of Chris Gallot to the Peirce Island Committee until December 31, 2021; reappointment of Thomas Ferrini to the Portsmouth Housing Authority until April 1, 2026; reappointment of Carl Diemer to the Recreation Board until April 1, 2024; reappointment of Kathryn Lynch to the Recreation Board until April 1, 2024; appointment of Robert Bogardus to the Recreation Board until April 1, 2022 filling the unexpired term of Todd Henley; and Appointment of Aubrey Gewehr to the Sustainable Practices Blue Ribbon Committee. Seconded by Assistant Mayor Splaine.

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

2. Request for Special Council Meeting on April 8th at 6:00 p.m. Regarding Deer Street Associates

Councilor Huda moved that the Council meet in special session on April 8, 2021 at 6:00 p.m. regarding matters relating to Deer Street Associates, at which time it is anticipated the Council will vote to hold a non-public session under RSA 91-A:3 II (I) to consider legal advice. Seconded by Councilor Tabor.

Councilor Kennedy said she will not be able to join the meeting until 7:15 p.m. because she will be teaching a graduate class.

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

XIII. CITY COUNCIL MEMBERS

A. COUNCILOR WHELAN

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the March 4, 2021 meeting

Councilor Whelan reviewed the action sheet and minutes of the March 4, 2021 meeting with the Council.

Councilor Huda requested clarification on what action the Council would be considering as it relates to Item 7 under the City Manager. City Manager Conard stated it would bring forward the first readings at the next City Council meeting.

City Attorney Sullivan said if Parking and Traffic Safety Committee action sheet and minutes are accepted the ordinance would be drafted and come forward for first reading at the April 9, 2021 City Council meeting.

Councilor Tabor asked Councilor Whelan about the Pilot Program for the Islington Creek Neighborhood. Councilor Whelan said residents will tell what kind of program they are looking for and it will be brought back to Parking and Traffic Safety which will provide good feedback and the program would need to be approved by the City Council to move forward.

Assistant Mayor Splaine spoke to paying the increased in parking fines and would like the timeframe extended from 30 days to 45 or 60 days before a fine is increased.

Councilor McEachern asked if there is an allowance for issuing multiple tickets for those that abuse system. Councilor Whelan said that could be adjusted through the process at some point.

Councilor Whelan moved to approve and accept the Parking and Traffic Safety Committee action sheet and meeting minutes of the March 4, 2021 meeting. Seconded by Councilor Tabor.

On a roll call vote 6-3, motion passed. Councilors McEachern, Whelan, Lazenby, Tabor, Trace and Mayor Becksted voted in favor. Assistant Mayor Splaine, Councilors Kennedy and Huda voted opposed.

2. McIntyre Update

Councilor Whelan announced there will be a public session on April 20th to narrow down the design work and on April 21st there will be office hours for residents to call in to speak with the principle group regarding the design. He further stated that there should be a design before the City Council at the May 3rd meeting.

Councilor Kennedy thanked the McIntyre Subcommittee for their work and asked if there was a way to put up a hard copy of plans inside City Hall.

Councilor Whelan suggested the Levenson Room at the Library. City Manager Conard said she would need to speak with Library Director Butzel regarding the use of the Levenson Room.

Councilor Lazenby inquired as to a schedule to start negotiations with Redgate Kane. Councilor Whelan said we are two-three weeks behind but we could start negotiations with Redgate Kane after the May 3rd meeting at some point.

B. COUNCILOR KENNEDY

1. Electric Vehicle Charging Stations

Councilor Kennedy asked if we are putting electric vehicle charging stations in with the work being done on the garage. She also asked how many stations we have in our community.

Councilor Kennedy moved to request a report back from the Sustainable Practices Blue Ribbon Committee and Parking and Traffic Safety Committee on the following topic. How many electric vehicle charging stations do we have in our community and do we feel there is a need for more charging stations as a city. As well as Tom Morgan's Letter regarding this matter. Further, to delineate between the regular charging and the fast DC rapid charging units to those currently installed units. Seconded by Councilor Huda.

Councilor Kennedy said she would also ask the committee to share any other research and knowledge they have on the topic.

Assistant Mayor Splaine said he would like to hear from the Economic Development Commission on this matter.

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

2. A Report from the City Manager on the Mayor's Re-Open Committee

Councilor Kennedy requested that reflective tape be placed onto the colored barriers at the lower end of State Street for safety reasons. City Manager Conard said that Public Works Director Rice is aware of the need for a reflective type of adherence and will address the matter quickly.

City Manager Conard reported that 456 restaurants have applied for outside dining and requests are still coming in. She advised the City Council that the expected cost of \$10,000.00 for preparing the barriers for the outside dining season has come down due to local businesses and the Chamber of Commerce assisting with the costs.

C. COUNCILOR HUDA

1. RFP #30-21 Professional Municipal Auditing Services

Councilor Huda moved to extend and correct RFP #30-21 Professional Municipal Auditing Services for 30 days until May 6, 2021 with changes to correct a conflict in the content of the RFP. Also, that all current information received by contractors applying to the RFP on April 6, 2021 be sent back to the contractors unopened. Seconded by Councilor Kennedy.

Councilor McEachern said he is still trying to understand this and walk through the reason for the change to the RFP and selection process.

Councilor Huda said it is laid out in her proposal. She said there is a conflict in the RFP and the Charter.

Councilor McEachern said there is not an Audit Committee selecting the firm.

City Attorney Sullivan said if the City Council provides time to make changes which would have the City Council selecting the audit firm. He said further negotiations and discussions to form a contract which could include the role of the Audit Committee.

Councilor Tabor thanked Councilor Huda for pointing out by the Charter that it is the City Council that selects the auditing firm and overviews the audit. He said he would like to understand the Audit Committees job scope.

City Attorney Sullivan stated that the RFP needs to clearly state that the Audit Committee report back.

Councilor McEachern asked City Manager Conard how long will it take to do this before the audit begins. Finance Director Belanger said summer and fall will be to develop the RFP and bring this matter forward. She said that this is a hard time to bring forward this type of request she said a new Audit Firm would need to be in place now to learn the city.

Councilor Whelan said he does not see an issue pulling back the RFP. He agrees with the City Manager that we need to define the Audit Committee to help in the selection.

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

Councilor Huda moved that Councilor Huda work with City Attorney Sullivan on the possibility of creating an Audit Committee outlined in #10 under – “Objective & Scope” with a report back to the City Council at the next meeting.

- (Page 1) The City of Portsmouth seeks a qualified independent certified public accounting firm, relative to the performance of the City's Annual Financial & Compliance Audits, then CAFR-----

Under “Objective and Scope of Work to be Performed”

- (Page 5) #2 The Auditor will submit a draft of the financial statements to be reviewed in detail by the Director of Finance & the City Manager
- (Page 6) #9 The Auditor shall be required to make an immediate written report of irregularities and illegal acts, or indications of illegal acts of which they may become aware to the Director of Finance, City Manager & the Governing Body (City Council)
- (Page 6) #10 – The part of the run on sentence stating “That if during the audit the Auditor becomes aware that the City is subject to audit requirements which may not be encompassed in the terms of the engagement he or she should communicate to the management and the Audit Committee or others with equivalent authority & responsibility that the audit may not satisfy the requirements.

Under “Timing Requirements”

- (Page 9-10) #10 The Auditor shall promptly report to the Audit Committee, Director of Finance & the City Manager any conditions which impede the proper conduct or planned timetable of the audit.

(On Page 14) “Selection Process”

1. The Auditor Selection Committee will evaluate proposals, the Auditor Selection Committee will be determined by the Director of Finance & may include other City Staff & Non City members with governmental accounting experience.
To be selected by the Audit Committee, not City Staff per the City Charter.

City Charter – Section 7.4 – Independent Audit

An independent audit shall be made of all accounts of the City Government, at least annually, and more frequently if deemed necessary by the City Council. Such audit shall be made by certified public accountants selected by and reporting to the City Council. Based upon the accountant's experience in municipal accounting. The results of this audit shall be made public and an annual report of the City's business shall be made available.

Seconded by Councilor Kennedy.

Councilor Huda asked that during the time constraint if there is anything that says the Council can't select a Blue Ribbon Committee.

City Attorney Sullivan said a Blue Ribbon Committee could be appointed by Mayor Becksted and would assist in selection but an option would be to adopt a City Council rule or ordinance. He said the City Council would make a decision on what the Audit Committee would be composed of then we can figure the best way to accomplish this.

Councilor Huda said the RFP as written is a good RFP but it would need to be reviewed as soon as possible by the auditing firms.

City Attorney Sullivan said a committee could be created quickly and an ordinance would require three readings with a public hearing at second reading.

Councilor Kennedy asked when the audit has to start and could we create a more robust process. Finance Director Belanger said it is really too late to have a new firm. She said having an Audit Committee is a good idea and having them part of the process is great.

Councilor Huda said she would defer to applicants on this issue. She said residents need to feel comfortable addressing the audit. She would like a firm to give a review by the next City Council meeting.

Councilor McEachern asked if there is a length of commitment we have with an audit firm.

Councilor Kennedy said you can always reissue an RFP. She encouraged the City Council to pass the motion as Councilor Huda worked with City staff and City Attorney Sullivan on creating a committee.

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

XIV. APPROVAL OF GRANTS/DONATIONS

- A. Approval of Grant from the Federal FY'21 Violence Against Women Act - \$26,025.00
(Sample motion – move to approve and accept the Grant from the Federal FY'21 Violence Against Women Act to the Police Department)
- B. Acceptance of Donation to the Police Department Community Outreach:
 - Peggy M. Martis - \$125.00
 - Sandra M. Pothier - \$25.00***(Sample motion – move to accept the Donation to the Police Department for community outreach)***
- C. Approval of Grant from Great Bay Resource Protection Partnership - \$8,004.00
(Sample motion – move authorize the City Manager to accept these grant funds in the amount of \$8,004.00 from the Great Bay Resource Protection Partnership)

Councilor Kennedy moved to accept the Grants and Donations as presented. Seconded by Assistant Mayor Splaine.

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

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER

1. Action Plan in Response to Council Motion on Middle Street Bike Lanes

City Manager Conard outlined the process to be followed by staff.

- All existing pavement markings on the outbound side of Middle Street between Cabot Street and Lincoln Avenue will be obscured using gray paint;
- Parking along the curb will be prohibited within 20 feet of intersections and crosswalks, within 15 feet of fire hydrants, in front of private driveways, and in accordance with any other existing City ordinances. No Parking signs will be adjusted accordingly;
- The green boxes running across side street intersections will be left in place;
- The bike lane symbols and arrows next to the curb will be covered over with gray paint;
- Bollards will be reinstalled along the inside of curves and at critical intersections to keep vehicles from encroaching on the bike lane;
- All remaining white lines will be repainted;
- The speed limit will be posted at 25 MPH between South Street and Congress Street;
- Sharrow markings will be painted on Lincoln Avenue at each end where it intersects with Middle Street and with Junkins Avenue. A BIKE ROUTE sign will be installed at each intersection as well, to inform cyclists of the designated bike route;

- An engineering consultant will be hired and public meetings will be held to explore and determine if there is a solution that allows for a continued safe bicycle route that meets the original purpose and need of the project. The consultant will be chosen at random from the list of NHDOT prequalified design firms for complete streets projects. Firms currently under contract with the City will not be considered;
- At the end of the six month period, there will be a final discussion and decision between City Staff, Elected Officials and the NHDOT as to the final configuration of the bike lanes on Middle Street or other acceptable options;
- Additional feedback and input is needed prior to the installation of a crosswalk across Middle Street at Lincoln Avenue;
- A new crosswalk must comply with ADA accessibility requirements. This will require a tip down ramp on the west side of Middle Street. Due to grades, a bump out would be necessary to accommodate the tip down ramp;
- A crosswalk at this location would also require the elimination of three parking spaces to provide adequate visibility of the crosswalk, in compliance with state and local laws;
- There is limited space for the installation of the flashing pedestrian signal at this location;
- Street lighting is only present on one side of Middle Street. There are no utility poles on the Lincoln Avenue side on which to add a street light;

- A suitable alternative location would be the intersection of Middle Street and Aldrich Road, where parking would not be impacted, grades are flatter, more room for installation of the flashing signal is available, street lights are present on both sides of Middle Street, and the crossing would be more centrally located between existing crosswalks on Middle Street;
- Action on this item will commence after Council feedback and input is received.

Implementation of all bike lane items will commence as soon as weather permits.

Councilor Huda asked what it means by the installing of bollards. Parking & Transportation Engineer Eby explained where the bollards would be placed.

Councilor Lazenby asked was a cost to adding these steps. City Manager Conard said the consultant had to draw up plans at a cost of approximately \$12,000.00 - \$15,000.00 with the remaining for the signal beacon.

Discussion regarding the original motion was held amongst the City Councilors. Councilor Lazenby said the City Council made a motion and something else took place outside that motion. City Attorney Sullivan said he was part of the discussion with NHDOT representative Mr. Watson and there was some ambiguity to the motion the City Council made and the City wanted to stay where no funds would be returned and Mr. Watson's interpretation was important and that is what was done. Councilor Lazenby said he feels that it was not the outcome of the motion by the Council. Councilor Trace said cars would be moved to the curb and there would not be any bike lane for that section in order to do the study we need to return the road to before the bike lane were installed. Councilor Kennedy said the motion was made by Councilor Huda and amended to include everything in the letter.

Councilor McEachern asked Parking & Transportation Engineer Eby to discuss the moving of the flashing beacon. Parking & Transportation Engineer Eby spoke regarding the flashing beacon and requested to move the cross walk signal to Aldrich Road from Lincoln Avenue.

Councilor Kennedy moved to follow Parking & Transportation Engineer Eby's request and move the cross walk signal to Aldrich Road from Lincoln Avenue. Seconded by Councilor Huda.

Mayor Becksted said that we are coming up with a better system and it is one section that needs to be looked at. He said the City Council has taken over a year to make this a better system and put it in place.

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

3. Gundalow Company's Annual Consideration Fee
4. New Hampshire Art Association Request for Reduction of Annual Consideration Fee

Councilor Kennedy moved to accept #2,210.00 as the Gundalow Company's annual consideration fee and accept \$510.00 as NHAA's annual consideration fee for the 2021 season. Seconded by Councilor Huda.

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

2. Prescott Park Arts Festival's Request for Reduction of Annual Consideration Fee

Councilor Kennedy moved to accept \$6,807.00 as PPAF's annual consideration fee for the 2021 season. Seconded by Councilor Huda.

On a roll call vote 8-0, motion passed. Councilor Tabor abstained from voting on this matter.

5. Request for Municipal Bond Financial Work Session

Councilor Huda requested for a percentage of completion of projects for the work session.

Councilor Kennedy moved to schedule a work session for the purpose of discussing municipal bond financing and the relation to funding the City projects on Tuesday, May 4, 2021 at 6:00 p.m. Seconded by Councilor Huda.

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

6. Acceptance of Seacoast Growers' Association Agreement for 2021 Season

City Manager Conard reported that the Farmers; Market would be held at the Little Harbour School.

Councilor Kennedy moved to authorize the City Manager to execute the License Agreement allowing Seacoast Growers' Association to operate a Farmers' Market on Saturday's from May 1, 2021 through November 6, 2021. Seconded by Councilor Huda.

Councilor Kennedy said should would like the market moved back to City Hall as soon as it is possible.

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

7. Report Back Regarding the Updating of Fine Structures for Parking Citations after Parking and Traffic Safety Committee and Fee Committee Review

City Manager Conard reported first reading would be held at the April 19, 2021 City Council meeting.

Councilor Kennedy moved to schedule first reading on April 19, 2021. Seconded by Councilor Whelan.

Councilor McEachern said he would like to ask questions and have a discussion on this recommendation.

Assistant Mayor Splaine said he does not mind the conversation and he would like an answer on what the time period would be for making payment for the fine. City Manager Conard said the time frame to make payment is 30 days. Assistant Mayor Splaine said he would like the time frame to be 45 to 60 days for payment.

Councilor Huda said she would like at safety fines. City Manager Conard said the Parking Director feels the same way.

On a roll call vote 8-1, motion passed. Councilors McEachern, Whelan, Lazenby, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Assistant Mayor Splaine voted opposed.

8. Report Back from the Planning Board Regarding 138 Leavitt Avenue Involuntarily Merged Lot Request

City Manager Conard said this request was referred to the Planning Board and Assessor. She reported to the Council that the City Assessor is recommending denial of request with the Planning Board voted to follow the recommendation of the Assessor.

Councilor Kennedy moved to deny the request for restoration of involuntarily merged lots requested by the owner. Seconded by Councilor Huda.

Assessor Lentz informed the City Council of her research and that the registry deed described the property as one lot and when the property was put up for sale it was as a single family lot and the owners knows that well.

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

9. Rescheduling of Public Necessity Hearing for Peverly Hill Road Complete Street Project

City Manager Conard said the motion is requesting to reschedule the public necessity hearing on Peverly Hill Road.

Mayor Becksted said there was a large outcome at the site walk held. He is not sure moving forward with a hearing because we need to draft a new final proposal for residents.

Councilor Kennedy moved to request City Manager and staff report back at the next meeting regarding the installation of just a sidewalk along the roadway. Seconded by Councilor Huda.

Councilor Kennedy requested a report back on a bike path from the rail ways over by the stump dump through the conservation land to Banfield Road.

Public Works Director Rice explained the bike path and that it would slow traffic down. He said there is a preferred option to have just a sidewalk alone but it does not conform to our policy of Complete Streets.

Councilor Lazenby said residents want traffic calming and if you just do sidewalks it would not have the desired effect.

Public Works Director Rice restated that the Council's suggestion would not conform to the Complete Street Policy.

Councilor Tabor said funding comes from Air Quality Funding. Public Works Director Rice stated we would need to find out if the change would comply with keeping the funding in place. Councilor Tabor said the cost of the project is \$4.8 million.

Councilor McEachern said we need a report back on this issue and it needs to include a multi-purpose path.

Assistant Mayor Splaine said the traffic would slow down with a sidewalk and path way for bikes. He said we have to set up a hearing to listen to both sides of this issue.

Councilor Huda thanked all the residents and neighbors for coming out during the site walk. She said that this is a main route to get to Banfield Road and the neighbors expressed that they do not feel they're being heard.

City Manager Conard said perhaps we table until we have the schematic back.

Mayor Becksted said we should hear back from the consultant on this issue.

Public Works Director Rice said we need to accommodate vehicles and pedestrians. He said the concern is it being too narrow.

Councilor Whelan said we need more public dialogue from the residents and said there would be a precedent to not following the Complete Street Policy.

Councilor Trace said she wonders if when speaking to Complete Street Policy why is it the selective policy. Public Works Director Rice said Islington Street was not wide enough and they incorporate bike lanes when possible but it is an accommodation to add bike lanes. Councilor Kennedy asked if a bike lane could be placed at Peverly Hill Road. Public Works Director Rice said staff would bring back a roadway with a sidewalk only.

Councilor Lazenby said he would not support the motion.

Mayor Becksted said nothing is being implemented this evening.

Assistant Mayor Splaine said he wants to postpone the motion.

On a roll call vote 5-4, motion passed. Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted in favor. Assistant Mayor Splaine, Councilors McEachern, Lazenby and Tabor voted opposed.

XVI. CONSENT AGENDA

- A. Letter from Chris Maden, President of Portsmouth Maritime Folk Festival, requesting permission to hold the Portsmouth Maritime Folk Festival on Saturday, September 25, 2021 and Sunday, September 26, 2021 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

Councilor Kennedy moved to adopt the Consent Agenda, as presented. Seconded by Councilor Huda.

Councilor Kennedy moved to suspend the rules to allow Chris Maden to speak regarding his request from the Portsmouth Maritime Folk Festival.

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

Mayor Becksted asked where the festival will take place. Mr. Maden indicated it would be held in Market Square.

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

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence

Councilor Kennedy moved to accept and place on file. Seconded by Councilor Huda.

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

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

- 1. Chevrolet Avenue Sidewalk Update

City Manager Conard spoke to the sidewalk update for Chevrolet Avenue and adding it to the next Planning Board agenda.

Councilor Kennedy moved to refer to the Planning Board with a report back to the City Council. Seconded by Councilor Huda.

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

2. Final Settlement Agreement for Great Bay Total Nitrogen Permit

City Manager Conard informed the City Council that the EPA sent a kind letter on Deputy City Attorney Woodland and dealing with items and negotiation an agreement. She said the letter spoke of Deputy City Attorney Woodland's hard work and dedication.

The City Council commended Deputy City Attorney Woodland on this agreement and for getting the agreement for a three year period.

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor McEachern said he would like a report back regarding federal funding. City Manager Conard advised the Council that the Department of Treasury has 60 days to release funds and come up with guidance for the states and then the states have 30 additional days to come up with any additional guidance and if this was signed into law by the end of March we would see funding by the end of the fiscal year. She further stated as soon as they receive guidance on what the funds can be used for she would share the information with the City Council.

Councilor Kennedy spoke regarding the 105 Bartlett Street Project and concerns relative to the buffer zone.

Councilor Kennedy moved to schedule a site walk on Saturday, April 10, 2021 at 10:00 a.m. with abutters to discuss the buffer zone and what the plan could do to it. Seconded by Councilor Huda.

Councilor Trace spoke to the North Mill Pond being an ecosystem and urged the City Council to read the North Mill Pond Study.

Assistant Mayor Splaine spoke of the clean ups held in the past of the North Mill Pond and would like a clean-up of the area on an annual basis.

On a roll call vote 8-0, motion passed. Mayor Becksted abstained from voting on this matter.

Assistant Mayor Splaine requested a summary report on the ventilation issues at Spinnaker Point Recreation Center and what can be done to reopen the center in due time.

Councilor Whelan requested a copy of the lease agreement with the condominium association. City Manager Conard reported that it is a 30 year agreement with 10 year remaining.

XX. ADJOURNMENT

At 10:30 p.m., Assistant Mayor Splaine moved to adjourn. Seconded by Councilor Huda.

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

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

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 3, 2020

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

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_9OyU61tIQ9edsRbisOJXPw

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 2020-10, 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.

- 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 – APRIL 20, 2020, MAY 4, 2020 & MAY 6, 2020**

Councilor Tabor moved to accept and approve the minutes of the April 20, 2020, May 4, 2020 and May 6, 2020 City Council meetings, seconded by Councilor McEachern.

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

IX. **PUBLIC COMMENT SESSION – (*Via Zoom*)**

Gerald Duffy of 428 Pleasant St. commented on the recovery effort and bike lanes. The economic recovery effort has consisted of creative problem solving and good community effort. Councilor Kennedy caused delays in that effort by registering for the URL. There was an accident in the bike lane on Middle Street and some of the Councilors were quick to blame the bike lanes. The biker was not hurt and did not want to stick around for medical treatment. The responsibility is with the driver. Decisions on the bike lane should be based on data and expertise. Informed residents buy in is important. The current bike design is an interim step to a better solution.

Paul Ringuette of 308 Richards Ave. applauded the Mayor and all of those involved in the Popup NH effort. It was good to see support from the City and Council. Mr. Ringuette was concerned about what happened with Popup NH because Council members have access to information that is not available to the public. Taking personal action on an event front and center to Council seems like a serious matter. Council members trying to bend emotions and events within the community is outside of their per view. It makes it hard to trust the Council. This Council needs to mitigate these types of issues moving forward. The City needs to look at how to support small businesses going forward. This is not going away and the City needs to look at supporting businesses into the summer of next year.

Rick Horowitz of 127 Gates St. commented on the mask ordinance. The scientific evidence on the mask efficacy is thin and mixed. They are not effective if they are not worn correctly. The average person is adding risk by wearing masks haphazardly. Mask wearing violates OSHA oxygen requirements. The City is going down the wrong path with this ordinance. The better approach is to treat the disease. Information has been back and forth on what drugs are effective because the government is pushing vaccines and the global ID program.

Byron Matto of 17 Fields Rd. commented on the Middle Street bike lanes and the ethics complaints. Before removing the bike lane implementation, the Council needs to consider if what we have now is safer than before. The biker was hit by an open door of a car, which could happen in or outside of a bike lane. There is room for improvement for example they could remove parking entirely on one side of the road. Changes should not be made based on opinions; they should be made based on the data. The Mayor decided that Councilor Kennedy did not meet the requirements for a code of ethics review but has also said that the task force was operating above board. Councilor Kennedy has said that she took action because she believed that the actions of the taskforce were unethical. Mr. Matto questioned how Councilor Kennedy could take action against the taskforce if they were operating above board. Community members and Councilors should be acting in a manner to uplift the community not divide it.

James & Jody Gould of 246 Thornton Street commented on the Involuntary Merged Lot – 246 Thornton Street. Mr. Gould asked the Council for support in the reconsideration of the July vote regarding the restoration of the involuntary merged lot. A lot of work has gone into this to make sure all of the proper processes were followed, and they were in accordance with regulations. All the neighbors have been informed and are in support of this. It has been before the Zoning Board. Ms. Gould commented that they have gone through the process by the book, so to hear at the last City meeting they have to do more was heartbreaking. There is a project timeline they have to meet. If this goes to the Planning Board instead of the Assessor, then it could delay the project until the spring. Mr. Gould requested that Council pay attention to the reconsideration of the vote. Ms. Gould noted that this time it was lumped in with another unmerge request and that is not appropriate. This case is different than theirs.

Kate Hatem of 1 Ash Street commented on the Popup NH incident. It was unethical, disruptive and counterproductive. The City needs all hands on deck, and Councilor Kennedy's actions were not appropriate. The volunteers organized a grass roots effort to help restaurants and businesses. They have been transparent about the process to get a nonprofit status. Councilor Kennedy's actions impeded that process. If Councilor Kennedy does not resign, then she should choose to help instead of impede.

Arthur Clough of 431 Pleasant Street commented on that he was concerned about the tactics used by Popup NH for fundraising. The City has had problems with ethics in the past. The group was not transparent about their status. For a long time, the proposal document said it was a partnership between the City and Seacoast Repertory. That was true until Councilor Kennedy asked questions. Mr. Clough did not agree with Councilor Kennedy's tactics but did agree with her concern. Councilor Kennedy showed them that they were wrong because no one was listening. The evidence shows there was a lot of confusion about who was involved and the nonprofit status throughout the process.

Shantel Surles of 226 Bartlett Street requested that the Council reconsider the mask mandate. The City did the lockdown to flatten the curve, and that worked. Masks are another way to encourage discrimination against people with disabilities. There has been violence around not wearing masks or enforcing masks. Dr. Fauci commented the other day that people should wear goggles. Things will continue to spiral. The City needs to focus on death rate vs. cases. Increased cases show that the virus is becoming less virulent if the deaths are going down. There is no science to support all the various face coverings. If the people are concerned about public health and safety, then they should reach out to the Governor to promote effective drug treatments. Pushing for a vaccine that doesn't exist yet and may have side effects is not the way to go.

Barbara Jenny of 81 Lincoln Avenue commented that she agreed with others that Councilor Kennedy's approach to Popup NH was unethical. There were many other ways to go about getting her thoughts across. An organization using a fiscal agent to seek a nonprofit status is common and normal. It is unethical to essentially blackmail an organization to make a point.

Zelita Morgan of 39 Richards Avenue commented on the ethical complaints against Councilor Kennedy. The facts will speak for themselves. Councilor Kennedy has always conducted herself in a truthful and ethical manner. The real problem here is the reported threats against people and property. The Council has a role and responsibility to take action against people like this on social media. The Council should consider what elected officials can do in the face of such.

Mark Brighton of 99 Hanover Street commented that there was only one reason for the situation around Councilor Kennedy and it's because one individual did not regain her seat on City Council. They are nonstarter complaints.

Brian Kelly of 32 Broad Street, Rochester, NH commented that on July 1, 2020 the incorporated nonprofit entity known as Popup Portsmouth was created and they established a board. On July 2, 2020 they submitted all of the paperwork necessary including what's necessary for the Secretary of State. After that Councilor Kennedy took information the City had and established a for profit organization as an internet search company to intercept paperwork and block the nonprofit. That was an act of theft. Councilor Kennedy needs to resign. This should be sent to the Ethics Board and be investigated. Councilor Kennedy should not serve on any Council or board of public office. Councilor Kennedy took something she knew was going to be useful to the community and made it useless. Councilor Kennedy did not reach out to anyone involved in the project in order to clear up any miscommunication or confusion.

Andrew Bagley of 40 Chauncey Street commented that Mayor Becksted did a fantastic job building the stage for Popup NH. It was an act of leadership. The community taskforce has been phenomenal. Right now, the outdoor dining expires Columbus Day. The City should consider extending that. People don't want to dine inside, and people can layer up. Outdoor dining should be extended as late as DPW thinks it is feasible.

Marie Nelson of 20 Doris Avenue commented that the bike lane has been an issue since day one. It needs to be revisited. Ms. Nelson appreciated they were putting the mask ordinance through. It is unclear why Popup NH could not have been held at Prescott Park.

Kaitlin Deyo of 103 Timber Swamp Road, Hampton, NH commented that many people are speaking out against Councilor Kennedy's actions. This is not just Nancy Pearson. Please

wear masks. The science is there. Prescott Park does not allow alcohol there, so Popup NH had to be somewhere else.

Jacqueline Cali-Pitts encouraged Council to pass the mask ordinance. It doesn't take much to wear a mask and protect people in the community. Wearing mask in public says I care about you.

Patrick Ellis of 235 McKinley Road commented that it was inappropriate to comment on the bike lane in the paper without understanding the facts about what happened with this singular accident. Council should pass the mask ordinance. Science shows it helps reduce spread. Councilor Kennedy should resign. The councilor took something she knew Popup NH needed and delayed the project. The City should not have a Councilor that actively works against the interest of the City. The Ethics Board should review this complaint. If they determine it is not a violation of the City Charter, then the Charter should be amended.

Clare Kittredge of 27 Franklin Street commented that this whole to do was an inappropriate use of the ethics complaint procedure. It was a waste of public resources and time.

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

A. Public Hearing and Second Reading of Ordinance

ORDINANCE AMENDING CHAPTER 7, ARTICLE I, SECTION 7.102 – PARKING METER ZONES; CHAPTER 7, ARTICLE I, SECTION 7.105 – PARKING; CHAPTER 7, ARTICLE III, SECTION 7.324 – LIMITED PARKING – ONE HOUR; SECTION 7.325 – LIMITED PARKING – THIRTY MINUTES; SECTION 7.326 – LIMITED PARKING – FIFTEEN MINUTES; SECTION 7.327 – LIMITED PARKING – TWO HOURS; SECTION 7.328 – LIMITED PARKING – THREE HOURS; SECTION 7.328-1 – UTILIZATION OF MULTIPLE PARKING SPACES; AND SECTION 7.329 – LIMITED PARKING – FOUR HOURS (STAY AND PAY)

City Manager Conard commented that Parking Director Ben Fletcher provided a presentation on the Stay and Pay Program at the July 13, 2020 Council meeting, and Council moved to pass it to second reading. It is recommended that City Council move to pass this second reading and schedule the third and final reading for the August 31, 2020 City Council Meeting.

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

Councilor Whelan moved to amend Section 7.102 to add the following language after the word *apply* at the end of the first paragraph to read “*are designated as parking meter zones.*”, seconded by Councilor Trace.

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

Councilor Lazenby moved to pass second reading of the Ordinance as amended, seconded by Councilor Tabor.

Councilor Lazenby asked City Attorney Sullivan if that motion would prevent Council from moving to combining the second and third reading into the same meeting. City Attorney Sullivan responded that it did not.

Councilor Tabor questioned what publicity and signage would be done to alert customers about this change assuming it passes. City Manager Conard responded that they would put signs on the kiosk and have a press release. The Public Information Officer will work with Parking Director Ben Fletcher on the outreach. Parking Director Fletcher responded that they were working on a press release. The app will tell customers what their stay and pay options are. The multi-space pay stations have a touchscreen where they can add messaging. They can consider static signage as well on the kiosks, and single space meters.

Councilor Lazenby questioned if they did the third reading tonight would it allow them to put this in place earlier in August. Then they can offer the benefits to the visitors and provide another revenue opportunity to the City. Parking Director Fletcher responded that was accurate. The vendor has said the change is a flip of a switch on their end. Accounting for outreach preparations, it would be ready to go within a week. Councilor Lazenby questioned if August was one of the higher parking months for the City. Parking Director Fletcher confirmed that was correct.

Mayor Becksted commented that the Council process has always been to have a first reading, second reading, and third reading at separate meetings. It would be good to follow procedures. Changing the streamline in the month of August may be confusing to visitors.

Parking Director Fletcher commented that they would roll it out with a lot of outreach. When the City switched to the Pay by Plate system it went surprisingly smooth, but there was still some confusion. There will still be some confusion no matter what. There is not a big downside to pushing this forward. There would be appropriate time to get the messaging out and the signage built and installed. The concern is understood, but that will exist no matter how long of a roll out there is. Councilor Lazenby's comment about August being one of the highest parking months was accurate, so it would be good to take advantage of that. Mayor Becksted commented that the public was stressed right now with Covid, and he did not want to put another thing to their plates. They should give everyone more time. There is a reason why the Council has a process.

Councilor Whelan commented that this program was fully vetted by the Parking Traffic and Safety Committee at their July 9, 2020 meeting. They passed it unanimously to refer it to the Council.

Councilor McEachern supported the idea of moving this through quickly. The benefits of the parking revenue in August outweigh the concerns that visitors might have confusion around this. This has gone through Parking Traffic and Safety and it makes sense.

Councilor Tabor understood the concerns about moving through the steps to allow time, but this won't cause a big ripple. The average time a resident spends parked downtown is less than 3 hours. The City can get the benefits without disturbing the resident parking patterns. This change would require less enforcement and burden on the City. It gives visitors more freedom to park longer. The pilot project in Dover showed that it increased garage parking, which is a goal of the City. This change won't impact the local parking user.

Councilor Lazenby agreed that it would not add a burden to the user. It gives them the opportunity to not have to move their car after 3 hours. Parking Director Fletcher confirmed that the first 3 hours will remain the same for residents and visitors. After that the user is given the option to stay longer.

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

Councilor Lazenby moved to suspend the rules in order to take up third and final reading of the Ordinance, seconded by Councilor Tabor.

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

Councilor Lazenby moved to pass third and final reading of the Ordinance as amended, seconded by Councilor Tabor.

Councilor Kennedy commented that community members know about the process and that Council has 3 separate readings. Things can change at the third reading. Councilor Kennedy commented that she would vote against this motion. The Council should keep the 3 readings format to give every opportunity for citizens to speak up.

City Attorney Sullivan commented that if they passed the third reading tonight, then it would be effective tomorrow morning. Council may want to pick another date to make it effective given Parking Director Fletcher's timeline.

Councilor Lazenby questioned what date would be reasonable. Parking Director Fletcher responded that two weeks would be enough time.

Councilor Lazenby moved to pass third and final reading of the Ordinance as amended with the ordinance taking effect on August 17, 2020, seconded by Councilor Tabor.

Councilor Lazenby appreciated Councilor Kennedy's concerns about the process and agreed in general. Council has received very little comment over a couple meetings, and it is a win all around. That coupled with the fact that this is a difficult economy they should give the parking team prime season for revenue and give visitors a choice to enjoy their space longer.

Councilor McEachern agreed. Given the fact that August is one of the highest demand months for parking and a lot of the long-term parking is paid for by visitors, it makes sense. It passed through the Parking, Traffic and Safety with full support and the Council has heard from Parking Director Fletcher as well. It is possible to accelerate the process. Process is important but these are uncertain times. If there were people speaking out against this, then Councilor McEachern would have more reservations. The Council is still following process by doing it this way.

Councilor Huda supported moving this faster, but in general did not support continued deviation from the process. The Council should not get in that habit. Revenue is important and this been vetted well. Councilor Huda commented that she would support the motion.

Councilor Tabor commented that right now if the average person stays longer than 3 hours they get a ticket. After this passes, they would get a notification saying they can stay longer at a higher rate. That is a benefit.

Mayor Becksted commented that he supported the Stay and Pay Program but did not support accelerating the process. Mayor Becksted commented that he would support a third reading at the August 31, 2020 meeting.

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

Assistant Mayor Splaine moved to suspend the rules in order to take up Item XVII. Presentations A. – C, seconded by Councilor Lazenby.

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

XII. MAYOR BECKSTED

1. Appointments to be Considered:
 - Appointment of Thaddeus Jankowski to the Conservation Commission
 - Appointment of Adam Webster to the Conservation Commission
 - Appointment of Jane Wright as an Alternate to the Conservation Commission

Mayor Becksted commented that these appointments were on the agenda for consideration. They will be voted on at the August 31, 2021 meeting.

2. *Appointment to be Voted:
 - Reappointment of Erica Wygonik to the Parking & Traffic Safety Committee as an Alternate

Councilor Lazenby moved to reappoint Erica Wygonik to the Parking & Traffic Safety Committee until August 4, 2023, seconded by Councilor Whelan.

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

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. That Mill Pond Way be named for former Portsmouth Assistant Mayor Paul McEachern

Assistant Mayor Splaine proposed that Mill Pond Way be named for the former Assistant Mayor Paul McEachern. Assistant Mayor Splaine yielded the motion to Councilor Trace who put a similar motion on the agenda.

Councilor Trace commented that the motion was to name a parcel of land as presented in the packet as lot 143-8 after Paul McEachern. This was brought to Council's attention by John Wyckoff.

Councilor Trace moved to suspend the rules to name the City owned parcel of land (143-8) after Paul McEachern, seconded by Assistant Mayor Splaine.

On a roll call 8-0 vote, motion passed. Councilor McEachern abstained.

Councilor Trace commented that they would be honoring a gentleman who has had many accomplishments throughout his lifetime. He has done a lot for the City recently. Councilor Trace further requested that Council bypass a work session and pass this tonight. It makes sense to push things ahead.

Councilor McEachern commented that his father is touched by the neighborhood reaching out with letters of support. He requested that Councilor McEachern abstain from the vote to not add any controversy. Councilor McEachern was happy to see this go through.

On a roll call 8-0, voted Assistant Mayor Splaine moved to name a City owned parcel of land (143-8) formerly known as Mill Pond Way on the North Mill Pond as the Paul McEachern Park, seconded by Councilor Whelan.

On a roll call 8-0 vote, motion passed. Councilor McEachern abstained.

2. Request First Reading of an Ordinance Requiring That Face Coverings Be Worn At Specific Times In The City of Portsmouth (*See Ordinance Attached*)

Assistant Mayor Splaine moved to pass first reading of the Face Coverings Ordinance and hold a Special City Council meeting on Monday, August 10, 2020 at 7:00 p.m. with a public hearing and second reading of the Ordinance, seconded by Councilor Lazenby.

Assistant Mayor Splaine commented that they could amend the time and date if this passes. The town of Durham is discussing their own ordinance tonight. They will be having approximately 15,000 students arriving at UNH effective August 10, 2020. UNH is not the only college students are returning to in the seacoast area. These students come from all parts of the country and world. Students will be visiting Portsmouth and the Council needs to make sure Portsmouth residents and businesses are protected. The intent is to stay ahead of the pandemic as much as possible to keep the numbers low. The City Attorney put together a draft ordinance that covers some of the basics. Council and the public can discuss the specifics of the ordinance at the public hearing.

City Attorney Sullivan commented that he added a provision to allow an exception to mandatory masks requirements for eating and drinking in a City licensed establishment. That is because the Health Officer mandates social distancing in those places.

Councilor Kennedy questioned if the ordinance should address eating in public places like Prescott Park. The ordinance also starts with "all persons are hereby required." Councilor Kennedy questioned if the medical provision should be addressed right at the beginning with a caveat around the "all persons." City Attorney Sullivan responded that this draft was just a starting point. The Council should make any adjustments they feel are necessary.

Councilor Trace noted that right now the ordinance is open ended and questioned if there should be an ending to it. It could be tied to COVID ending or a vaccine roll out. This ordinance is being created because of a health emergency, and once the emergency no longer exists the ordinance does not need to either. City Attorney Sullivan confirmed that would be a simple thing to add.

Councilor Tabor commented that it could be coterminous with when the Governor's state of emergency ends.

Councilor Lazenby clarified that the motion was to have the first reading tonight, and requested that they pick a different date for the second reading because that Monday would not work for him. They need to get this out to a public, and it makes sense to get it on the calendar. The Health Officer may be able to provide guidance on the end date in the ordinance.

Councilor McEachern supported moving forward with this. There are a number of people who won't go downtown because there is no mask mandate. The virus is gaining speed in other parts of the country. The Health Officer noted tonight that they only have a few days to act if there was a spike. It makes sense to have an effective mandate in the City of Portsmouth.

Councilor Huda commented that she supported this but needed some questions answered. Councilor Huda commented that the ordinance stated masks were required in outdoor spaces where social distancing was not possible. Councilor Huda questioned how that would be determined. City Attorney Sullivan responded that the enforcing officer would determine that. Councilor Huda questioned if the police would have enforcement authority. City Attorney Sullivan confirmed that the enforcing section in the ordinance allows them to issue a civil infraction, which is basically a ticket. The RSA for that is referenced in the mask mandate ordinance. Councilor Huda questioned how they would handle people with disabilities/allergies and asked if they would need to prove they had a condition. City Attorney Sullivan responded that they would not. There are some exceptions from the mandate. The enforcement officer would make that decision. Councilor Huda was concerned about harassment with enforcement. City Attorney Sullivan responded that Nashua has up to a \$1,000 penalty for not wearing a mask. The existence of the ordinance has been enough. They have not enforced it with any formal procedure yet. In Nashua not a single case has been brought to court. Councilor Huda questioned if this was legal to put into place. City Attorney Sullivan confirmed that they have the authority to put in this ordinance. All cities and towns have the authority to pass an ordinance for the protection of public health. The City of Nashua case said they have the authority on that basis.

Councilor McEachern commented that enforcement is also an opportunity to educate the public.

Councilor Whelan supported moving this forward. There are a lot of tourists in the City right now. The Council has an obligation to protect the citizens that live here. If they don't pass the mask ordinance, then they run the risk of closing businesses if there is a big outbreak.

Councilor Tabor agreed this should move forward. They should move ahead with the mask ordinance and take legal objections as they come. It is more important to protect the people from the virus. A mask is the most effective way to reduce spread and will give businesses and schools the best chance. Community transmission and visitor transmission is still happening. The Health Office and CDC support wearing face masks. They need to move ahead for safety. The most important thing Council can do is keep the City safe.

Assistant Mayor Splaine commented that there should be a provision that does not require people from the same household to wear masks when together. The core of the ordinance is here, and they can make small adjustments in the second reading. This needs to be addressed now before tourism and students increase. Assistant Mayor Splaine questioned what date would work for the second hearing. City Clerk Barnaby commented that the requirements for a public hearing was a legal notice of 7 days from the publication. This could go to the newspaper by Thursday, which means the earliest the meeting could be Friday August 14, 2020. Mayor Becksted requested clarification that the motion was to count this discussion as the first reading and the next meeting would go straight to the second reading. Assistant Mayor Splaine confirmed that was correct. They needed to act expeditiously because of the pandemic. Mayor Becksted commented that Mondays did not work for him.

Councilor Lazenby questioned if the motion could commit to scheduling the meeting at the soonest available time, and they could pick a date offline. Councilor Lazenby questioned if it would be appropriate to bring up proposed changes now or at the second reading. City Attorney Sullivan commented that Council needed to decide a date for the second reading because that has to be put in the notice that's published. Councilor Lazenby commented that they know masks are effective and are now learning more about the effectiveness of mandates. The mandates lead to more masks being worn.

Councilor Trace commented that she received emails from a citizen who was concerned about being ticketed while walking down the street. The intent of the ordinance is clear but there is fear that people's rights will be treaded on a little. There is no State law at the moment, but they have provided guidelines. The ordinance should follow those guidelines closely. Durham is passing an ordinance, and Portsmouth is an attractive place for young people to visit. Students and visitors could be carrying COVID, and a mask mandate would help prevent the spread.

Mayor Becksted commented that the meeting probably could not be scheduled until August 18, 2020 or August 19, 2020. August 18, 2020 would work the best. Mayor Becksted had some concerns about the mandate. The language has to be very clear if they are asking staff to do enforcement. It is hard to determine if a child is aged 6 or younger or to know if someone has a disability or not by sight. It is important to know who and how enforcement will be determined. The language needs to be simplistic.

Councilor Lazenby clarified that the intent was to pass the first reading and schedule a second reading. Assistant Mayor Splaine confirmed that was correct.

Assistant Mayor Splaine moved to pass first reading of the Face Coverings Ordinance and hold a Special City Council meeting on Tuesday, August 18, 2020 at 7:00 p.m. with a public hearing and second reading of the Ordinance, seconded by Councilor Lazenby.

Mayor Becksted requested that staff weigh in on the cost factor for enforcement.

Councilor Huda supported getting public input on this, but still wanted a discussion on the enforcement piece of this. There is a lot of prejudgment in the community with people not wearing masks because of medical issues and disabilities. That needs to be addressed.

Mayor Becksted noted that this meeting would be on this one topic.

Councilor Lazenby questioned if Council members could send suggested amendments to the City Attorney. City Attorney Sullivan confirmed that was correct.

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

Mayor Becksted commented that they needed a motion to continue the meeting past 10:30 p.m. Councilor Lazenby requested that they cap it at midnight. Councilor Kennedy noted that they could continue on with any leftover agenda items at the August 18, 2020 meeting.

Councilor Kennedy moved to suspend the rules in order to continue the meeting beyond 10:30 p.m. and recessing the meeting at 12:00 a.m. with all remaining items to be listed on the agenda after the public hearing and second reading of the Face Coverings Ordinance, seconded by Councilor Huda.

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

3. Report Back on Request of Restoration of Involuntary Merged Lot – 246 Thornton Street (***Request for Reconsideration of Vote by the City Council at the July 13, 2020 meeting***)

Assistant Mayor Splaine moved to reconsider the Restoration of Involuntary Merged Lot at 246 Thornton Street seconded by Councilor McEachern.

Mayor Becksted commented that the emails and summary show it was unknown whether or not the taxpayers requested a merger or if was involuntary. The process previously sent these to the Planning Board, and they were usually pretty precise on this. Council took action on the Thaxter case because two prior owners went in to request building on the property as a merged lot. The Inspection Department should look at building permits to see if the lots were merged. That was one of the key things with the Thaxter decision. They should not have changed the process. Assistant Mayor Splaine commented that the abutters came forward and Council heard two comments tonight from the people involved. Council should vote to reconsider and then have a discussion.

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

Councilor McEachern commented that Council may not have intended to change the process, but we did by listening to staff and voting to send these items to the Assessor's Office. It is entirely fair to return to the previous process, but they should not penalize Portsmouth residents because Council looks at this process change as a mistake. This couple extended considerable effort and money to go through the Board of Adjustment where abutters were notified of their plans. It is important to respect individual's property and rights. These owners followed the current process, and they received a recommendation from the Assessor.

Councilor McEachern moved to unmerge the lots at 246 Thornton Street, seconded by Assistant Mayor Splaine.

Councilor Huda questioned if the deed of record was the official legal document. City Assessor Maurice-Lentz responded that the deed of record shows the deed of the property and transfers in ownership, so yes. Councilor Huda questioned if the warrant list effected the deed. City Assessor Maurice-Lentz responded that the warrant list represented the property ownership which is a record of the deeds. Councilor Huda questioned if the property card effected the deed. City Assessor Maurice-Lentz responded that the property card recorded ownership from the deed. Councilor Huda questioned if the tax maps effected the deed. City Assessor Maurice-Lentz responded that they showed the legal boundaries of the lot. Councilor Huda requested clarification that there was no record of request from any owner to merge these lots. City Assessor Maurice-Lentz responded that official requests to merge lots come from the Planning Department and go to the Assessor's Office. A lot of times the deed would not show that request. It's a separate recording in the Registry of Deeds. A title search through the Registry of Deeds would have found merger request documentation whether it was part of the deed or separate. Councilor Huda requested clarification that the conclusion the Assessor drew was that the City involuntarily merged the lots. City Assessor Maurice-Lentz confirmed that was correct. In the 1970s a law was passed that said lots that were considered non-conforming could be merged. City Assessors did this for residents even though they weren't asked to. Now legislators have agreed to give owners time to unmerge lots if the current or prior owner did not voluntarily merge them. Portsmouth has good property card records. They would be able to tell if the property was merged. The Assessing Department is the best place to search for that information.

Councilor Tabor questioned who had the burden of proving there was a voluntary merger. City Attorney Sullivan responded that the burden was on the municipality. A voluntary merger is determined by a formal merger request or if an owner builds a structure that straddles the two property lines. If the City can't prove a voluntary merger, then the owners are entitled to an unmerger.

Councilor Tabor commented that the Assessor has noted they have good records, and she was unable to find a merger request in the Registry of Deeds. The process is not flawed. In the Thaxter case 4 Councilors agreed with the Planning Board recommendation. It does not make sense to refer these to the Planning Board if the Assessor's Office has good records, especially if Council does not follow the Planning Boards recommendations.

Councilor Huda questioned what the cost was to unmerge the lots. City Attorney Sullivan responded that it was a nominal cost to unmerge the lots. A formal subdivision was not required. Staff time is the only cost to the City.

Councilor Lazenby commented that this was the third meeting this item has been on the agenda. The hope is that the Council can support this and move forward.

Councilor Kennedy noted that part of the delay was because the process was changed. The process should be looked at as the Council moves forward.

Councilor McEachern commented that he was all for discussing the process and changing it if needed. However, that should be addressed after moving this item forward. Councilor McEachern stood by the work they did as a Council by moving this to the Assessor's Office.

Mayor Becksted commented that he would not change his mind from the April decision and questioned if any previous owner submitted an application to do a project on this property. City Assessor Maurice-Lentz responded that was not part of the research.

On a roll call 8-1 vote, motion passed. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Huda, Tabor and Trace. Mayor Becksted voted opposed.

4. Report Back on Request of Restoration of Involuntary Merged Lot – 1240 Islington Street (***Request for Reconsideration of Vote by the City Council at the July 13, 2020 meeting***)

Assistant Mayor Splaine withdrew this request.

B. COUNCILOR McEACHERN

1. *Resolution that the City Council Supports our Educators as they take the Necessary Steps to Keep Both Children and Themselves Safe

Councilor McEachern commented that this resolution was for our teachers. It has been entirely up to them to create a plan for the school, and they are working toward that. The resolution would show that the City Council recognizes and supports educators as they take steps to keep themselves, their families, and children safe when taking actions against covid-19.

Councilor McEachern moved to adopt the Resolution, seconded by Assistant Mayor Splaine.

Councilor Kennedy supported the resolution and thanked all of the families at home that have been working to educate their kids along with the teachers.

Councilor Trace also supported the resolution. The super intendent and school board are trying to work within changing parameters to make a safe environment. It is important to give any support the Council can.

Councilor Huda also supported the resolution. Councilor Huda questioned if some of the language in the resolution like “giving resources” was overstepping their role. Councilor McEachern responded that the resolution was just meant to provide support to what the School Board is doing. It does not have any authority. City Attorney Sullivan agreed that the document was just a statement of council policy. It did not spend any money.

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

C. COUNCILOR WHELAN

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the July 9, 2020 meeting (*With Summary Sheet: Stay and Pay Recommended for Approval to City Council*)

Councilor Whelan commented that the Parking, Traffic and Safety minutes are generated after the meeting, and sent out to participants. If there are no objections after 72 hours, then the minutes become approved. The minutes from the July 9, 2020 meeting and a memo from Eric Eby with the action items from that meeting are included in the packet. The action items include anything which is anything regulatory or controversial to make it easier for the Council to identify and discuss.

Councilor Whelan moved to recognize the action items moving forward, seconded by Councilor Lazenby.

Councilor Kennedy questioned if that meant that none of the minutes before qualified. Councilor Whelan responded that the minutes would still be included. Any action items will be listed on the action item memo and Councilors can pull out items for discussion. Parking, Traffic, and Safety has to keep things moving. Anything they take action on and the Council approves is approved on a trial basis for 1 year.

Councilor Trace questioned if they were approving a change to bring forward Parking, Traffic and Safety actionable items to be more transparent in the future. Councilor Whelan confirmed that was correct. Councilor Trace questioned if they were being asked to vote on the minutes. Councilor Whelan responded that it was just to recognize the action items. Councilor Trace commented that the actionable items sit in the minutes. It is unclear why Council would vote on the action items and not the minutes. The alternative is a change of protocol with the transparent actionable items. City Attorney Sullivan commented that the process allows the Parking, Traffic and Safety Committee to take temporary action by sending out minutes to the Council. It is a well thought out process that allows the City to be more efficient. The system was set up and operated well until fairly recently. Parking, Traffic and Safety is operating within the existing ordinance by sending the minutes to Council and highlighting actions that need City Council attention. Councilor Trace requested clarification if they were being asked to vote for the minutes or a change in the way the minutes are produced. City Attorney Sullivan responded that it was a vote on a change in the way the minutes were produced. Councilor Whelan commented that they would be voting on the actionable items. City Attorney Sullivan added which are in a sense the minutes.

Councilor Huda questioned if voting for the new action items meant accepting Parking, Traffic and Safety’s decisions. City Attorney Sullivan confirmed that was correct. The action items are highlighted so there is no misunderstanding between Parking, Traffic and Safety and City Council. Councilor Whelan commented that it is a one-page memo to be more transparent.

Councilor McEachern commented that it was important to allow Parking, Traffic and Safety to do their job, so they can move forward with actions.

Mayor Becksted commented that they may need more time to discuss this and suggested postponing the item to the August 18, 2020 meeting.

Councilor Lazenby appreciated the effort to emphasize the action items, however it is not fair to suggest a lack of transparency previously. All of those items have been in the minutes.

Councilor Kennedy moved to postpone action on this item until the August 18, 2020 City Council meeting, seconded by Councilor Trace.

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

D. COUNCILOR LAZENBY

1. *Permitting Fee Relief for Businesses and Outdoor Use

Councilor Lazenby commented that they did not move to table item 4 under Assistant Mayor Splaine's section of the agenda and questioned if they should have. City Attorney Sullivan commented that it would have been better practice to do something with it rather than skip over.

Assistant Mayor Splaine moved to table this request until the August 18, 2020 Special City Council meeting, seconded by Councilor Lazenby.

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

Councilor Lazenby withdrew this agenda item.

2. *Request for explanation of Ethics Complaint process and update on current status

City Attorney Sullivan commented that the process in general is that the Code of Ethics sets out a specific list of requirements that a City Official has to live up to in ethical dealings. One of the most common ones is that City Officials should not participate in matters in which they have a financial interest in that is greater than the community at large. When someone in the community believes there is a violation, then they would follow a complaint process. The Mayor and City Attorney review the complaint to determine if it has substance. If there is sufficient substance, then the Mayor or Attorney can refer it to the Board of Ethics which is made up of various city committee members. They have 30 days from the complaint submission to make that decision. If it goes forward to the Board of Ethics, then they have 30 days to investigate and issue a report to the governing body. The governing body for a complaint made against a Councilor is the City Council. After they receive the report, they can determine what they want to do. Initially Nancy Pearson filed two complaints against Councilor Kennedy and Arthur Clough filed a single complaint against the citizen taskforce. Last Friday morning City Attorney Sullivan and Mayor Becksted met to review the complaints. Part of making that decision is a technical review. The complaint needs to be in writing, to the point, and under oath. It was determined that all three complaints were not done under oath. That is a minor technical matter and can be easily updated by adding an oath to the complaint. The parties involved were notified that the complaints were not accepted at that time and they were informed on how to put the complaint under oath. Nancy Pearson raised the issue about whether or not the Mayor should take part in the analysis. Mayor Becksted made the determination to not participate in the complaints against Councilor Kennedy because he has a family member that is employed by Councilor Kennedy. The Assistant Mayor will take over that role.

Councilor Lazenby questioned if the complaints had been resubmitted. City Attorney Sullivan confirmed that the next day both Nancy Pearson and Arthur Clough put their complaints under oath. The 30-day cycle starts again now.

E. COUNCILOR KENNEDY & COUNCILOR HUDA

1. Middle Street Bike Lanes Current Implementation for Safety in Lieu of the Recent Accident

Councilor Kennedy clarified that they were looking at about 2,000 feet of the bike lane and the safety of those lanes.

Councilor Huda commented that the goal was to make the bike lanes safer for everybody. There is a lot of data that can be looked at for these bike lanes and a lot of questions about how to make them safer.

Councilor Kennedy commented that they would not have enough time to do a full presentation before the meeting ended.

Councilor Kennedy moved to postpone this matter until the Special City Council meeting on August 18, 2020 in order to provide more details on this issue, seconded by Councilor Huda.

Councilor Tabor requested that they provide a narrative for the August 18, 2020 packet, so that Councilors had something to read beforehand.

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

Councilor Lazenby questioned if there was anything left on the agenda that would be negatively impacted if they were not addressed tonight. City Clerk Barnaby requested that Council vote to adopt the polling hours. City Manager Conard commented that the Maplewood license had a start date of August 15, 2020.

Councilor Lazenby moved to suspend the rules to bring forward Items XV. A.2. – Establish Polling Hours for the State Primary Election and XV. A.6. – Temporary Construction License for 111 Maplewood Avenue, seconded by Councilor Kennedy.

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

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

2. Establish Polling Hours for the State Primary Election

Councilor Lazenby moved to approve the polling hours of 8:00 a.m. to 7:00 p.m. for the State Primary Election on September 8, 2020 as recommended by the City Clerk, seconded by Assistant Mayor Splaine.

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

6. Temporary Construction License for 145 Maplewood Avenue

City Manager Conard commented that it should be 111 Maplewood Ave. not 145 Maplewood Ave.

Councilor Lazenby moved that the City Manager be authorized to execute and accept the temporary construction license regarding 111 Maplewood Avenue as presented, seconded by Councilor McEachern.

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

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

A. *Presentation by Health Officer Kim McNamara regarding COVID-19 Update

Health Officer Kim McNamara provided a brief update on COVID and mask use on a community level. Johns Hopkins reported that the total global COVID cases were at 18,109,901 and the total deaths were 690,055. The total cases in the United States were 4,668,406 and the total deaths were 154,861. The United States leads the world in confirmed cases and deaths. The White House Coronavirus Response Coordinator Dr. Deborah Birx noted that when the percent positives rise even a fraction the community only has a couple days to intervene to control the spread. Portsmouth currently has 9 active cases and a total of 92 confirmed cases. The CDC released a statement asking people to wear masks to help control the spread. The virus is extraordinarily widespread in rural and city environments. People need to wear masks and practice social distancing everywhere. People traveling across the country are contributing to the spread. The CDC Director has commented that cloth face coverings were one of the most powerful tactics to help stop the spread. A study published on June 27, 2020 investigated the optimal distance to avoid transmission and assess face masks and eye protection. Transmission was lower with one meter or more of physical distancing. Face mask use could result in a large reduction in risk of infection. Eye protection was also associated with reducing infection. None of these provide complete protection. The value of masks was demonstrated by a study of a hair salon on Missouri. Two infected hair stylists serviced 139 patrons over 8 days. This was after Missouri passed a mask mandate, which everyone followed. None of the patrons developed Covid symptoms or known infections. Research examined the change in infection rates after mask mandates. The results show there was a decline. It is believed that 230,000-450,000 COVID cases were possibly averted by using face masks. States that have employee only mask mandates did not see a decline in infection rate. The largest droplets are within the first meter. Medium drops fall within the second meter. Virus particles are in the droplets that fall. The size of the droplet determines the spread risk. There is still a debate about airborne transmission. Masks are protective of others and the wearer. The less virus a person breathe in leads to a smaller dose of the viral load. This leads to lesser symptoms or avoiding the infection all together.

Assistant Mayor Splaine commented that the studies have shown a face covering of any kind does catch some of those droplets and a better facemask catches even more. Masks also offer a little protection for the wearer because they are inhaling less droplets. Health Officer Kim McNamara confirmed that was correct.

Councilor Kennedy questioned if there was information on how to support those who can't wear masks. Health Officer Kim McNamara commented that people with a medical condition should not be asked to wear them. If a community is putting in a mask mandate, then they should have the ability to provide masks for those who can't get them. If 95% of a community is wearing masks and 5% can't, the community is still more protected. Councilor Kennedy questioned if the Health Officer had any suggestions on how to include that into the policy.

Health Officer Kim McNamara commented that there was no specific language because that's on each municipality to develop. The City does not have to legally provide masks, but there should be some source to point people to if they can't find or afford them.

B. Update on the Portsmouth Citizens Response Task Force

James Peterson, Mark Stebbins, Rus Grazier, and Ann Birner provided a presentation. Mr. Peterson commented that the task force has been very productive since the last presentation. City Council requested more details on the task force progress. Mr. Grazier will speak to the Bridge St. Lot, Mr. Stebbins will speak to the road closures, and Ms. Birner will speak to the Health Subcommittee.

Mr. Grazier commented that the plan was to open Thursday August 6, 2020 and operate for the next 10 weeks through October 11, 2020. City staff have been very active in the subcommittee meetings. They have been supportive and wonderful to work with. All of the permitting will be in place for Thursday. No City funding has gone to any nonprofit or Popup NH. City funding has been used to make the public lot safe to use. Portable toilets and generators have been provided by the City. As well as water and sewer access to ensure safety. Tickets will be sold for events in the performance area and then considering a low-ticket price entry fee for the food and beverage area. That would be waived if the patron utilized the Foundry Garage or arrives with a bike helmet. They are encouraging advance ticket purchase because there will be timed access points. This will prevent crowding outside the venue. Tables and chairs will be set up with ample distance between them. There will be a one directional flow through the space and masks will be required inside the fences while people are in transit. They are booking the performance space two different ways. Some nonprofits will be running their own events and ticketing will go directly through the nonprofit. There will be occasions where a nonprofit has been hit so hard they don't have enough resources or they cannot perform in this space. They are working with Popup NH to book local musicians that usually play in Portsmouth bars and restaurants. Some of those proceeds will be going to those nonprofits who have been hit hard. There will be a wide variety of events. The Saturday show is sold out already. The taskforce will need to start looking beyond just the Bridge St. Lot as well.

Mr. Stebbins presented a map that showed how much work has been done on the streets. It's been incredible to see how everyone has pulled together to help each other. There have been positive reviews from different restaurants who have been open and how well they are doing. They are all even more committed to continue to help people through these months and the upcoming colder months. The taskforce is thinking about how to carry this through the colder months and support restaurants and businesses. This pandemic is not going away. Portsmouth is a tourist community, and they need to continue to be careful.

Ms. Birner commented that the Health Subcommittee was formed initially to help organize thoughts around the virus. The committee produces a weekly report for discussion. It is comprised of a doctor, two nurses, a pharmacist, and James Peterson. Health Officer Kim McNamara also provides regular contributions. The key responsibility continues to be the weekly dashboard. The goal is to produce a succinct one-page report on a weekly basis that provides digestible information. The focus is on the number of regional cases and hot spots across the country. The mantra is to not let our guards down and remain vigilant. Other activities the subcommittee has been working on include a letter of support for the mask resolution and physical distancing. They wrote a letter to the Governor in support of a mandate and are working on letters to surrounding towns to solicit support for a mandate. The entire task force is focusing on what will come next as the colder months approach.

Assistant Mayor Splaine thanked the taskforce for all they have done. The resolution terminates the task force on December 31, 2020. That is 150 days from now. Assistant Mayor Splaine questioned if they would need longer than that and if that should be addressed now or later. Mr. Stebbins responded that they had that discussion today and asked the City to consult with DPW on where to move the outdoor dining date. They can report back after they get DPW feedback. Mr. Peterson commented that they have not thought a lot about the task force work beyond the end of the year. This is a marathon, and the pandemic will either get better or worse as time goes on. That will be motivation for volunteers to continue work.

Councilor Huda questioned if the Bridge St. Lot was ready for the storm that was coming the next day. Mr. Grazier responded that the site is secured, and the storm should have minimal impact. Councilor Huda questioned what security measures will be on the Bridge St. Lot. Mr. Grazier responded that it is secured in a way that someone would have to do a significant break in to access the site. Mr. Grazier did not want to give away all of the security measures. The sheds will be sealed tight from a health and safety perspective. Councilor Huda commented that the street closure map showed that The Hammer has been revised, and Starbucks was still working on it. Councilor Huda requested an update on that. Eric Eby responded that The Hammer has approvals to use the loading zone and one parking space on State St. They are not using one space on Pleasant St. They have not seen an application come in for Starbucks yet. City Manager Conard commented that they were waiting for additional information from Starbucks to be submitted. Councilor Huda requested an update on the status of retail at the Bridge St. Lot. Mr. Grazier responded that due to concerns from the Health Officer they will not include retail for the first couple weekends to take the time to observe the flow of the crowd. Then they will introduce retail if it makes sense. The delay is purely a safety concern. The hope is to have retail, but they want to do it in a way that's safe.

Councilor Trace applauded the task force efforts to support nonprofits that can't put on a performance themselves. It would be nice to have a list of nonprofits that are in that position, so people could reach out and donate if interested. Councilor Trace questioned if the performers were from Portsmouth or if they were from other areas. Mr. Grazier responded that he did not feel comfortable giving information that was given privately. However, there is a variety of different scenarios that could lead to an organization deciding that a performance is not viable. Each operate in a different manner and have a unique business model. Some lend well to the pop up stage and some don't. There is a list built from the Chamber Collaborative of nonprofit arts and culture organizations in the area. They have given it to the leadership of Popup NH to compare with their list. The performers are not all from Portsmouth, but the benefit is going to a Portsmouth nonprofit. The performers will also be offered a reasonable wage and will help benefit a nonprofit. The artists list was built from local musicians who perform in Portsmouth venues even if they don't live in Portsmouth. Helping musicians in the region is positive. Councilor Trace commented that she was not suggesting all of the musicians should be from Portsmouth. It is good to support the arts in the area. Councilor Trace questioned who was making the decision with finances. Mr. Grazier responded that the structure discussed is that the artist would receive something comparable to playing in a bar. The majority of the leftover will go to the nonprofit. A portion will go to Popup NH for overhead. It will cost a bare minimum of \$600 run the performance. They will leave it open to the performers if they want to donate any of their profit. However, they need to pay performers a living wage.

Councilor Lazenby appreciated that the taskforce and subcommittees were thinking ahead about next steps. Councilor Lazenby appreciated the Health Subcommittee communication to the surrounding communities and the Governor. It would be good for the Health Subcommittee to look at testing capacity and where that is available. Also, in general what has been working for schools in surrounding communities and around the world. Ms. Birner responded that the charge from the City was to focus on economic revitalization. Reopening schools and the pool etc. are beyond the area of the taskforce responsibility.

Councilor Lazenby appreciated the popup group is providing an incentive for parking in the Foundry Garage and requested they clarify funds spent by the City on expenses related to reopening. Councilor Lazenby questioned if the funds were being appropriated by the taskforce or City staff. Mr. Stebbins responded that was being done in coordination with the City Manager. They have had good donations for the barriers and are well under the 100K right now. Mr. Peterson commented that funding has mostly been going through the DPW. Everything related to the infrastructure for the pop up has been solicited by the DPW and contracts are being signed by the DPW. It stays within the City's domain.

Assistant Mayor Splaine questioned if they could improve the looks of the barriers. City Manager Conard responded that they have been working with design professionals to pair with restaurants if they are interested. However, they cannot be painted or altered because they are on loan.

Councilor Trace questioned who wrote the body of the letter. Ms. Birner responded that it was a joint effort. Ms. Birner wrote the first draft and passed it around the committee. They all agreed on the language.

C. *Presentation regarding Census Reporting – Richard Perrin, US Census Bureau

Richard Perrin from the US Census Bureau commented that the census would be going on through September. The form is short and easy to fill out. There it a toll-free number people can call if they need more information about it. The census is safe and confidential. They take an oath to ensure information and counts are correct. They will never ask for contributions, anything on behalf of a political party, or credit card information. There is no citizenship question on the census. The census is very important because any agency that deals with funding uses the census as a reference. Right now, the response rate is 62.9%. Portsmouth just passed 70%. Mr. Perrin noted that he could provide a 2020 media tool kit with supporting information and videos. People can visit [2020census.gov](https://www.2020census.gov) to get more information.

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

Councilor Lazenby moved to recess the meeting at 12:00 a.m. until the Special City Council meeting on August 18, 2020, seconded by Councilor McEachern.

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

**Becky Frey
Acting Recording Secretary for City Council**

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, May 3, 2021 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 IX, Section 7.901 – PENALTIES, FORFEITURES AND SEPARABILITY. Due to the current State of Emergency related to COVID-19, the public hearing on May 3, 2021 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, May 3, 2021 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 IX, Section 7.901 – PENALTIES, FORFEITURES AND SEPARABILITY. Due to the current State of Emergency related to COVID-19, the public hearing on May 3, 2021 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

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article IX, Section 7.901 – **PENALTIES** 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: PENALTIES, FORFEITURES AND SEPARABILITY

Section 7.901: PENALTIES

- A. Any person violating any of the provisions of this Chapter or any rule or regulation made by the Chief of Police pursuant thereto, except the rules and regulations found in Section 7.105 and except those rules referenced in paragraph B, C, D, E, F and H of this provision, shall be subject to a fine or not more than \$300 upon conviction therefore in the Portsmouth District Court.
- ~~B. Any person violating any of the provisions of Section 7.105 A or C (Two Hour Metered Parking Restrictions) or any rule or regulation made by the Chief of Police pursuant thereto shall forfeit to the City the sum of \$5.00 for each violation. In the event that payment of the forfeiture sum of \$5.00 is not made within thirty (30) calendar days of the violation, then the forfeiture shall be in the sum of \$25.00 for each violation.~~
- ~~B.C.~~ Notwithstanding any other provision of this Ordinance, any person violating an emergency order issued by the Chief of Police pursuant to Section 7.303 or Section **7.321** shall forfeit to the City of Portsmouth within forty-eight (48) hours of such violation the sum of \$50. In the event that such forfeiture is not made within thirty (30) days of the violation date, then the forfeiture shall be paid to the City of Portsmouth in the amount of \$75. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than \$100 upon conviction therefore in the ~~Portsmouth District Court~~ **10th Circuit Court, District Division**.
- ~~C.D.~~ Any person receiving more than ten (10) parking violations in one (1) year, July 1 to June 30 inclusive, shall forfeit an additional charge for each subsequent violation in the amount of \$25. In the event that this additional forfeiture of \$25 is not made within thirty (30) days of the date of the violation triggering the \$25 forfeiture, then the forfeiture amount shall become \$50.
- ~~D.E.~~ Notwithstanding any other provisions of this Ordinance, any person violating the following sections of this Chapter or any rule made by the Chief of Police pursuant thereto, shall forfeit to the City of Portsmouth within ~~forty-eight (48) hours~~ **thirty (30) days** of such violation the amount designated below. In the event that the forfeiture amounts not ~~made paid~~ **made paid** within thirty (30) calendar days

of the violation, then the forfeiture shall be the ~~twice~~ sum listed below. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than \$100.00 upon conviction.

<u>Section</u>	<u>Parking Violation</u>	<u>Fine Amount Within 30 Days</u>	<u>Fine Amount After 30 Days</u>
7.102, 7.105 (A) (C)	Expired Meter	\$15.00 \$35.00	\$55.00
7.328.1	Utilization of Multiple Spaces	\$25.00	\$50.00
7.315 (A)	Parking Within an Intersection	\$25.00	\$50.00
7.315 (B)	Parked in Crosswalk	\$25.00	\$50.00
7.315 (C)	Blocking Parked within 15 feet of a Fire Hydrant	\$25.00	\$50.00
7.315 (D)	Parked Within 15 Feet of Fire Station Driveway	\$15.00	\$30.00
7.315 (E)	Parked Blocking Driveway	\$25.00	\$50.00
7.315 (F)	Parked on Sidewalk	\$25.00	\$50.00
7.315 (G)	Obstructing Traffic During Construction Activity	\$15.00	\$30.00
7.315 (H)	Double Parking	\$15.00	\$30.00
7.315 (I)	Violating Traffic Signs Prohibiting Parking	\$25.00	\$50.00
7.315 (J)	Parked, Wrong Direction	\$15.00	\$30.00
7.316	Back to Curb	\$15.00	\$30.00
7.319	Distance from Curb	\$15.00	\$30.00
7.320	Obstructing Street	\$25.00	\$50.00
7.324	One Hour Parking	15.00	
7.325	30 Minute Parking	15.00 \$35.00	\$55.00
7.326	15 Minute Parking	15.00 \$35.00	\$55.00
7.327	Limited Parking - Two Hours	\$15.00 \$35.00	\$55.00
7.329	Limited Parking – Four Hours	\$35.00	\$55.00
7.330	Parked in No Parking Area	20.00 \$35.00	\$55.00
7.331	Parking Too Close to Intersection	\$20.00	\$40.00
7.601	Trucks, Vans & Other Commercial Delivery Vehicles on Certain Streets During Certain Hours Limited Hours Loading Zones	25.00 \$35.00	\$55.00
7.602	Truck Loading/Unloading Zones Established 24-Hour Loading Zones	25.00 \$35.00	\$55.00
7.1504	Parking in Fire Lane	\$25.00	\$50.00
7.1603	Resident Only Parking	\$25.00	\$50.00

EF. Notwithstanding any other provision of this Ordinance, the owner or operator of a vehicle unlawfully parked in areas designated as reserved for parking for the walking disabled pursuant to Section 7.1200 shall forfeit to the City of Portsmouth within ~~forty-eight (48) hours~~ **thirty (30) days** of such violation \$250. In the event that the payment of the forfeiture is not made within thirty (30) days of the violation, then the forfeiture shall be in the amount of \$300. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than \$300 upon conviction therefore in the ~~Portsmouth District Court~~ **10th Circuit Court, District Division**.

FG. Overnight Parking – Winter. Notwithstanding any other provisions of this Ordinance, any person violating the provisions of Section 7.321(A) or an emergency snow ban as directed by the Director of Public Works under Section 7.321(B) shall forfeit to the City of Portsmouth within ~~forty-eight (48) hours~~ **thirty (30) days** of such violation the sum of ~~\$25~~ **\$35**. In the event that payment of such forfeiture amount is not made within thirty (30) days of the violation, then the forfeiture amount shall be ~~\$35~~ **\$55**. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than ~~\$50~~ **\$100** upon conviction therefore in the ~~Portsmouth District Court~~ **10th Circuit Court, District Division**.

GH. Notwithstanding any other provision of this Ordinance, the owner or operator of a vehicle violating the provisions of Section 7.335 **(72 hour parking restrictions)** or 7.1000 ~~(72 hour parking restrictions)~~ **(Tow Zone)** shall forfeit to the City of Portsmouth within ~~forty-eight (48) hours~~ **thirty (30) days** of such violation \$50. In the event that the payment of forfeiture is not made within thirty (30) days of the violation, then the forfeiture shall be in the amount of \$100. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than \$150 upon conviction thereof in the ~~Portsmouth District Court~~ **10th Circuit Court, District Division**.

Section 7.902: SEPARABILITY

If any provision or part of any provision of this act or the application thereof, to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end, the provisions of this act are declared to be severable.

Section 7.903: SUMMONS ADMINISTRATION FEE

In addition to any fine or penalty otherwise established by this ordinance, any person or entity for whom the City serves a summons for any traffic or parking offense shall also be liable to the City for a summons administration fee in the amount to be set periodically by the City Council pursuant to its normal budget procedures.

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

Portsmouth

Parking Fine Schedule

Description	Last Updated	Current		Recommended		Peer Town	
		Fine	After 30 days	Fine	After 30 days	Fine	Late
Session Expired 15 & 30 Minute; (formerly) 1 - 4 hr	1/1/2013	\$ 15.00	\$ 30.00	\$ 35.00	\$ 55.00	\$ 20.00	\$ 38.78
72 hr parking	1/1/2013	\$ 50.00	\$ 100.00	\$ 50.00	\$ 100.00	\$ 26.43	\$ 53.67
Parked within 15 ft of Fire Station	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 40.83	\$ 52.50
Parked on Sidewalk	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 37.00	\$ 72.86
Obstructing Traffic During Construction	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 28.75	\$ 46.67
Double Parking	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 26.11	\$ 52.67
Parked in Wrong Direction	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 25.00	\$ 61.67
Back to Curb	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 22.14	\$ 47.50
Distance from Curb	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 22.00	\$ 51.67
Parked in No Parking Area	1/1/2013	\$ 20.00	\$ 40.00	\$ 35.00	\$ 55.00	\$ 30.83	\$ 63.13
Parked Too Close to Intersection	1/1/2013	\$ 20.00	\$ 40.00	\$ 20.00	\$ 40.00	\$ 32.22	\$ 69.17
Emergency Snow Ban	1/1/2013	\$ 25.00	\$ 35.00	\$ 35.00	\$ 55.00	\$ 63.33	\$ 123.33
Parking Within an Intersection	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 35.00	\$ 70.00
Parking in Crosswalk	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 38.33	\$ 80.00
Blocking Fire Hydrant	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 51.92	\$ 101.25
Parked Blocking Driveway	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 32.92	\$ 70.00
Obstructing Street	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 31.88	\$ 61.67
Parked in Fire Lane	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 48.64	\$ 93.75
10 or More Parking Violations in 1 yr	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 66.67	\$ 100.00
Parked in ADA	1/1/2013	\$ 250.00	\$ 300.00	\$ 250.00	\$ 300.00	\$ 238.46	\$ 365.63
Resident Parking Only	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 32.50	\$ 57.29
Protest Fee (NSF)	1/1/2013	\$ 30.00	\$ -	\$ 30.00	\$ -	\$ 30.00	\$ -
HC/Time Zone	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 20.00	\$ 50.00
Vet/Time Zone	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 27.50	\$ 55.00
Multiple Spaces	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 31.43	\$ 60.00
Boot Removal Fee	1/1/2013	\$ 150.00	\$ -	\$ 150.00	\$ -	\$ 85.71	\$ -
Commercial Loading Zone	1/1/2013	\$ 25.00	\$ 50.00	\$ 35.00	\$ 55.00	\$ 42.00	\$ 96.67



received
10/28/20

CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: HISTORIC DISTRICT Initial applicant

Name: DANIEL J. BROWN Telephone: 603 436 0992

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

Street address: 32 PICKERING ST PORTSMOUTH NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): djbrown@aol.com

How long have you been a resident of Portsmouth? 44 YRS

Occupational background:

PEDIATRIAN IN PORTSMOUTH - 39 YRS

RETIRED 2015

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

OWNED A VICTORIAN HOUSE 1977-2007

NOW OWN HISTORIC 1790'S HOUSE 2007-PRESENT

MEMBER OF THE PORTS ATHENAEUM 3YR

CHAIRMAN OF FOSE HISTORIC HOUSE GROUP 3YR

OVER
➔

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

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

Reasons for wishing to serve:

Interest in historical buildings
Desire to preserve Portsmouth's history

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

FUSE - CURRENT JOINT PRESIDENT

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

1) JOHN KICE FW HARTFORD DRIVE 603 436 3289

Name, address, telephone number

2) JON WYCKOFF, SPARHAWK ST 603 235 9224

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: 10/28/2020

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

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

NEIGHBORHOOD COMMITTEE YEAR-END REPORT TO THE PORTSMOUTH CITY COUNCIL February 6, 1995

To: The City Council
CC: The Citywide Neighborhood Committee
From: Jim Splaine

Digging through my old files a while ago, I found my copy of the year-end report that the Neighborhood Committee of 1995 presented to the City Council.

I have asked that it be an *Information Item* for you because of the perspective it provides of a number of issues, current and probably future.

The original Neighborhood Committee was appointed by Mayor Eileen Foley back in the early 1990s. I was Assistant Mayor at the time, and she asked Councilor Evelyn Sirrell and me along with Dennett Street resident Ginny Weeks, who was a very active citizen advocate, to come up with a citywide approach for identifying neighborhood issues that needed to be addressed. When she later became Mayor, Evelyn solidified and highlighted the work of the Neighborhood Committee.

The three of us met several times at Ginny's home, came up with a suggested map of neighborhoods -- which is always a work in progress -- and a "Mission Statement," which you will see as part of the report.

We also spent some time brainstorming "Goals, Objectives, and Priorities." Those also, of course, have evolved as more people have become involved in the Neighborhood Committee, and more issues come forward.

In our first year or two the Neighborhood Committee expanded with more members, and considered a variety of issues raised by residents. You will see the names of residents still with us and active, and some who have moved out of Portsmouth or passed. It reminds us of the value for all who are involved in our community.

I offer this primarily as a history, and as I look through it I find a number of matters that are still currently in need of fixing, or resolving. It may be interesting for those residents who are newer to our community to see some of the issues and problems we faced 25 years ago that have been resolved or faded, and others that have remained. I suspect that issues like noise and speeding and encroachment of businesses and other development on the quality of life in our neighborhoods will be with us 25 years from now.

By presenting this report to you, perhaps some Council members or residents will see the history and background of a matter still needing resolution! Being aware of where we have been as we are deciding where to go is important to the decision-making of future City Councilors and management.

NEIGHBORHOOD COMMITTEE
YEAR END REPORT
TO
THE PORTSMOUTH CITY COUNCIL

FEBRUARY 6, 1995

Table of Contents

	Page
Neighborhood Committee Report 1994.....	1-5
Introduction.....	6
Neighborhood Reports.....	7-30
Atlantic Heights.....	7-8
Lafayette Rd / Elwyn Park.....	9-10
Maplewood Avenue.....	11-12
Malibu Beach Club.....	13
Treelines and Greenscapes.....	14-15
Skateboard Report.....	16-17
Oxford Avenue.....	18
Truck Stop, Route 33.....	19
Islington Street.....	20-21
The Peter's Palace Problem.....	22-23
Route 1 Bypass.....	24-29
Cabot / Austin Street.....	30
Conclusion.....	31-32

City Of Portsmouth
Portsmouth, NH

Neighborhood Committee Report
2-15-94

Committee Members:

Councilor Evelyn Sirrell
Councilor Jim Splaine
Resident Ginny Weeks

Mission Statement

The Neighborhood Committee shall take the role of advocate for the neighborhoods within The City of Portsmouth.

To assure that all aspects of City Government work through two basic principles, protection and preservation of the quality of our neighborhoods.

Neighborhood Committee

Goals, Objectives, and Priorities

Goals, Objectives, and Priorities need to be set to accomplish the plan we will formulate and organize the work we shall be doing with the neighborhoods.

Results are to be accomplished within a two year period.

I. Goals

- A. Who is hurting and whats wrong?
- B. To be able to have each person in every neighborhood feel comfortable to state their opinions and ideas about what they feel is wrong and what is right in their neighborhood and what is working and what is not working.
- C. Better organization among the individual neighborhood groups.
- D. Greater awareness among the city councilors regarding the neighborhood issues.
- E. Form a city wide neighborhood coalition that would have several representatives from each neighborhood meeting to discuss issues that are common to all neighborhoods within the city. This coalition would meet on a regular basis (bi-monthly).

II. Objectives

- A. To be able to effectively address the following issues:
 1. Crime:
 - a. Drugs in the neighborhoods
 2. Municipal Services:
 - a. Snow plowing
 - b. Trash removal
 - c. Skating rinks
 - d. Schools
 - e. Beautification
 3. Business as well as Industrial incursions in the neighborhoods:
 - a. Noise
 1. Albany street area/ Malibu Beach Club
 2. Pease International Tradeport/ Air Traffic
 3. Lower end (North end) of State street
 - b. Unpleasant odor or smell
 1. Bartlett street area/ Fish Factory
 2. Cass street/ Food Processing Plant
 3. RT.1 Bypass area/ Truck Stop

- c. Adult Business Issues
 - 1. Adult Book Stores/ RT.16, RT.1 Bypass, Myrtle avenue, Cutts avenue
- 4. Traffic:
 - a. Lafayette road
 - b. Woodbury avenue
 - c. RT.101- Greenland road
 - d. Islington street
 - e. Dennett street
- 5. General decrease in quality of life:
 - a. Albany street area
 - b. Woodbury avenue
 - c. RT.1 Bypass area
- B. Possible future issues that will effect the neighborhoods:
 - 1. Lafayette road- specifically the corner of Lafayette and Peverly Hill road as well as West road.
 - 2. RT.101 - Greenland road/ specifically the new truck stop just past the I-95 south on ramp.
 - 3. Woodbury avenue
 - 4. West side of Portsmouth - specifically the effect of the Pease International Tradeport on air noise and vehicular traffic.
 - 5. Water quality - Great Bog
 - 6. Traffic in neighborhoods
 - 7. New zoning ordinance
 - 8. Environment
 - a. "Green Areas" - Buffers and Screening
 - 10. Preservation of natural resources such as the North and South millpond.

III. Priorities

- A. Short term priorities:
 - 1. Making this committee a "user friendly" outlet for the residents of the various neighborhoods to feel comfortable to go to so they may express any problems or concerns they may have or are experiencing.
 - 2. Albany street area/ Malibu Beach Club
 - 3. RT.16, RT.1 Bypass, Myrtle avenue, Cutts avenue/ Adult Book Stores
 - 4. Crime in the neighborhoods - specifically drugs
 - 5. Pease International Tradeport
 - 6. Municipal services
- B. Long Term priorities:
 - 1. Insuring that we provide and maintain a high quality of life for each resident of every neighborhood in the city.
 - 2. Overdevelopment
 - 3. Traffic
 - 4. Pease International Tradeport
 - 5. Environment

- a. Water quality - Great Bog
- b. "Green Areas" - Buffers and Screening
- c. Preservation of our natural resources such as the North and South millpond.

Conclusion:

Our role with the Neighborhood committee is to allow each neighborhood to survive and prosper while protecting the quality of life at the same time. Each neighborhood should play a more active and responsible part in community planning. We must identify the major as well as the minor problems and then work to resolve them to the satisfaction of everyone effected. We must also be aware of what our future holds and not concentrate solely on dealing with present problems but also address issues that we will see in the future and take preventative measures if they are needed.

The neighborhoods must also try to live in harmony with the businesses that are in close proximity to them.

The neighborhoods must become a part of the overall process. Through their activeness they can become effective in dealing with the problems and issues they have and in the long run will see the benefits of their participation in the increased quality of life they will enjoy.

Committee Members:

Councilor Evelyn Sirrell
Councilor Jim Splaine
Resident Ginny Weeks

2-15-94

A little over 18 months ago a meeting was held at Little Harbor School by the citizens of Portsmouth and the candidates for City Council. Over one hundred citizens attended the meeting and told the candidates of their concerns as residents. Fear of crime was a major topic as a sinister rape had just occurred along the shore of the North Mill Pond. Noise from late night businesses in the Central Business and General Business Zones was another topic. Expressly mentioned were The Malibu Beach Club, The Old Bridge Cafe, and Hanscoms Truck Stop and of course the airport activity at Pease. Pollution of the air and waterways, especially the mill ponds was also a concern. A desire to control growth and the quality of life in Portsmouth was the common thread that bound the residents together. It is fair to say all the candidates were surprised and pleased to see the residents' concern for their City.

This Council has been responsive to its citizen's concerns. Meetings were held to try and understand how a business like the Malibu Beach Club was able to locate where it did. How a non-alcoholic kids' club became a resaurant, became a nightclub with live entertainment without ever having to bring those changes back before the land use boards. The Council encouraged the Police to be vigilant and to ensure that both the club and the customers obeyed the City's laws. This Council has supported its citizen's concerns about Adult Book Stores located next to residential properties and was instrumental in having at least one bookstore screened from the neighborhood it abuts. This Council has instructed the City Attorney to revisit the City's Grandfathering Ordinance and to improve it. This Council established the Neighborhood Committee. This Council is to be thanked.

Enclosed you will find reports on some of the issues that came to the Neighborhood Committee. The reports were written by different members of the Committe and followed by a synopsis of the committee's view of these issues, their general causes and what we feel should be done to prevent similar situations from occurring again.

ATLANTIC HEIGHTS

Neighborhood Committee member and Atlantic Heights resident, Karen Swanson, initiated newsletters for her neighborhood. Issues #6 (April) and #7 (June) were distributed among the residents of Kearsarge Way. Issue #6 reported on the safety concerns of the public that were discussed at a Safety Meeting held by the Portsmouth Police Department on April 7, 1994. Capt. Hartzell was contacted and asked to conduct a Neighborhood Crime Watch program in Atlantic Heights. Two meetings were held for Heights residents at the Bethel School property on July 25 and August 15, 1994. Street representatives from the Neighborhood Watch program met on August 30, 1994 to discuss ways to obtain grants to replace the demolished river and cliff edge city fence at the Pines, Hislop Park and make the park more user friendly and safe. A letter dated July 27, 1994 from Angela P. Matthews of the Greater Piscataqua Community Foundation offered the Heights a grant opportunity. Cindy Hayden, a planner with the City of Portsmouth, was also contacted.

Two Hislop Park clean-ups were held. On June 25 Lynn Nickerson, John Fulton, many neighbors and passer byers, and numerous children helped remove dead logs, rubbish and old mattresses. The City Yard removed the street side items. A second clean-up was held on July 8 and numerous neighborhood children participated. A commitment from the City Yard is necessary to remove the remaining dead trees, as suggested by Mrs. Strauss after a site tour.

The Atlantic Heights Neighborhood Association (AHNA) held a September 12, 1994 meeting to elect officials. Cullen Spiller from Cabot Street facilitated. Jack Savage explained the grant that was being applied for.

The subcommittee did a neighborhood walk with Jim Splaine around the Furman lumber area and the parks. The problem of the logging trucks has been lessened with the help of City Coucilor Kevin La Fond of Atlantic Heights.

A core group of AHNA neighbors, Jack Savage, Kevin LaFond, the subcommittee, Cindy Hayden from the Planning Department, Steve Parkinson, Director of Public Works, and Capt. Hartzell of the Police Department have addressed the Heights' concerns of crime, safety, municipal services, traffic, street signs, loose animals, and unattended children.

We requested the City Council to clarify the proper name for the street known locally as Kearsarge Way. The Planning Department lists it as Kearsarge Street, as did half of the City assessment, yet the street sign indicates Kearsage Way, as do the residents and the fire station map. Also a tax map error was brought to Mr. Promer's attention.

As a resident of Atlantic Heights, I feel great inroads have been made and appreciate everyone's help with all these matters and anticipate another busy, changing year.

Karen Jean Swanson

MARCH B Rh

Lafayette Road / Elwyn Park

In April of 1994 the residents of Lafayette Road, between Elwyn Road and Hoover Drive approached the City Council with a proposal to change the zoning of this area to allow expanded professional business uses.

Their motivation for this change was an inability to sell their homes as purely residential because the development and activity on the westerly side of Lafayette produced an environment incompatible with residential zoning. The areas of concern included:

- Increased traffic on U.S. Route 1 over the years.
- Development of DeMoulas shopping center.
- Clear cutting of trees by Iafolla Industries for mining purposes.

The change in the landscape caused by the removal of the greenery by Iafolla and DeMoula's creates many physical detriments as well as esthetic. The driving winds, forcing snow, ice, dirt, trash into the homes and yards of Lafayette Road.

The City Council tasked the Planning Department to work with the Lafayette group to develop a proposal to change the zoning. What resulted is referred to as Home Occupation III. On September 22 the Planning Board held a public hearing on this .

This change was strongly opposed by the residents of Coolidge Drive, McKinley Road and Wilson Road. Their arguments included:

- Dumpsters in the backyard
- Paved parking lots in their backyards
- More clear cutting of bordering greenery.
- Anticipated decline in their property values.
- A perceived 'take the money and run' mentality on the parts of Lafayette residents.
- A belief that this ordinance would not stop at Lafayette Road but intrude further into Elwyn Park and the rest of the City.

So set the stage for a bitter battle between neighbors. The planning board voted to reject the proposal and forwarded that opinion to the City Council. The Council on October 3 decided to hold a workshop with the residents of Elwyn Park on November 14. In what many considered a surprise turnout at Dondero School the Council met with Elwyn Park. The last hour and a half was spent listening to both sides. This issue ran the gambit of emotional spectrum. To the credit of the Council they remained steadfast in their silence and allowed the two sides have their say. In the end Mayor Foley polled the audience for their opinion. There was a clear majority in opposition to the change.

When one sat at this meeting the question loomed: 'What brought us to this point, where long time neighbors and friends were bitterly divided?' Some answers were discussed that night.

- Increased traffic on Route 1. Many argue that this has always been a major route along the Seacoast and to live there is to accept the inconveniences associated.

- Extraordinary expansion of Business on Route 1. - It was argued that the City has allowed extraordinary expansion along Route 1 from Bowl-O-Rama to Rye. The development of Wal-Mart, Demoulas, Jokers has created an additional influx of traffic which only makes a bad situation worse. The antithesis of this is that Wal-Mart and Jokers are to far removed to directly impact. That the City was forced by the State Supreme Court to allow DeMoula's.

- Iafolla breaks their Covenant - A covenant existed with Iafolla to maintain a buffer of trees along the westerly side of Lafayette. This covenant was to last until 1997. However, this did not have the force of law behind it and Iafolla decided to ignore their bond with their neighbors and clear cut their property. Effects of this operation have been discussed above.

The neighborhood committee met with the Lafayette residents in July. This meeting was to discuss this issue and provide feedback which might enhance a proposal. The Neighborhood Committee abstained from taking a position on this issue.

Many ideas came forth in regards to resolving this issue, without a change in zoning.

- Work with DeMoulas and Iafolla to maintain a 50 ft buffer of greenery.
- Develop a 'Parkway' concept along the center of Lafayette road.
- Work with the State to eliminate or move the Hampton Tolls. Thereby eliminating the incentive of avoiding the tolls by using Route 1.
- Use of limited zoning based on negotiation and approval of the abutter and BOA. This would alleviate the concern of neighbors that a business once in would be allowed almost any expansion they wished.
- The City aggressively work to control business expansion in this area.

Also discussed at the Elwyn Park Neighborhood meeting was the proposed dead ending of Wilson Road at the Lafayette Rd. end. This proposal, previously approved by the Planning Board, is designed to reduce the number of vehicles using Elwyn Park streets to avoid traffic back-ups on Lafayette Rd. Proponents of this proposal expect the existing problem will be exacerbated when the Demoulas Plaza opens and the main access/egress for the plaza is aligned with Wilson Rd. in the form of a signalized intersection. The City Council has delayed action on this proposal pending NH DOT approval of the Demoulas traffic plan. By show of hands at the neighborhood meeting residents overwhelmingly endorsed the plan to dead end Wilson Road.

MAPLEWOOD AVENUE

Along Maplewood Avenue there are at least three buildings in the Historic District A that have been altered. The building where Model Upholstery was housed has had its large front window covered with a piece of plywood. A multi-unit building across the street has for years had two bay windows, it now has one bay window and the other has been enclosed with clapboards. The garage at 11 Dennett St. had one of its two garage bay doors replaced. The doors of the bays are not of the same material nor design. None of these things would be allowed to exist in any other part of the Historic District A. Why here?

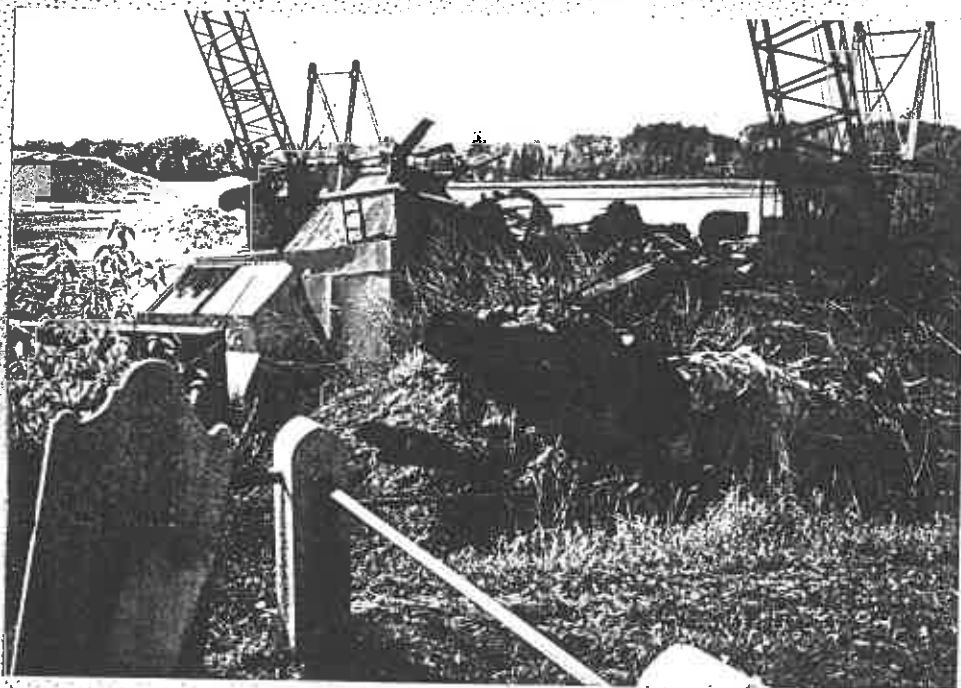
In the Central Business District between Deer Street and the North Mill Pond there are at least two blatant examples of an owner simply ignoring the City's Zoning Ordinance. On Vaughn Street, behind the Portsmouth Herald building, Granite State Minerals has opened up their "Vaughn Street Yard". The old Littlefield's is being used to store machinery, mostly cars and boats. Storage or warehousing is only permitted in the Industrial Zones (Sec. 10-207.23), not Central Business. Grandfathering doesn't enter into the picture either as Littlefields had been gone for well over a year. The Planning Department knows of this condition, but the owner has never been made to go before the proper City boards.

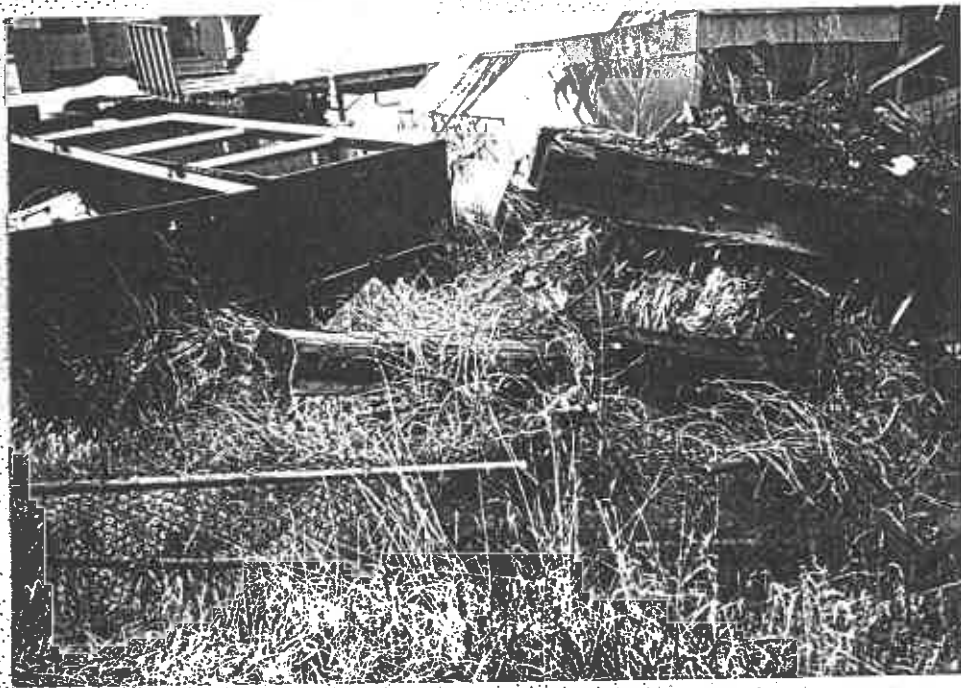
This same business uses an area along the North Mill Pond for its salt business. A legal use in the Industrial Zone. This particular piece of land abutts the North Cemetery, and the owner has illegally established a private junkyard (Sec. 10-207.3d & Sec.10-207.16) along the boarder of the cemetery and the pond. This piece of land is a blackeye on the tourist business and the residents of Portsmouth. Here is where the City of Portsmouth purchased land to bury those who signed the Constitution on her behalf. Now they lie within feet of garbage. Please note the photos. We had been told by the City that this area would be cleaned by last spring. Instead it may well have expanded.

Seems, looking
marks pretty
crummy
-11-
because things
aren't being supervised

These three areas are important to the City, first because they are a part of the City, and all parts of the City are important. These however are on a major gateway into the City where between 12,000 and 22,000 cars a day pass. They occupy land along a principle waterway. This land must be well served and land banked to allow the expansion of the downtown business area. Indeed that expansion has already begun as seen by the move of Blue Fin and De Wolf New England to the Mill Pond.

We need to ask again, why are these properties not made to adhere to the laws now in effect. For some of the offences we may be told the City is negotiating with the owner. Can we all negotiate our way around the City's laws? Is this a policy approved and commended by the Council?





January 26, 1995

Portsmouth City Council
Neighborhood Committee
Year End Report

Re: Malibu Beach Club Controversy

HISTORY

During September, 1992 word circulated in the neighborhood surrounding the Malt House Exchange (95 Albany St., Portsmouth) that another nightclub was about to open. Just 11 months previous, the last club, Scooters, was closed by the NH Liquor Commission due to an alcohol related death. Now, despite this history of an inappropriate use in a largely residential district, another club was quickly approved just before the 1 year zoning continued use regulation expired. The neighborhood organized. They started questioning and challenging the approval process which allowed yet a larger and louder club to once again dominate the neighborhood despite the public outcry over Scooters.

From September, 1992 through March, 1993 the Board of Adjustment held several sessions to consider the neighborhood objections and the club's requests for parking relief. The BOA ultimately denied the special exception and thereby denied the use as applied for. Despite this, by early spring the Malibu Beach Club was given approval by the city departments.

The Portsmouth Police Department was an early, active and vocal supporter of the neighborhood, by now known as Neighbors of the Malt House Exchange (NMHE). They were familiar with the drain on community services that this club represented, particularly at this location. From the opening date until closing, over 2 years later, the police were fully involved. During the summer of 1993, this department extended the first official hand in resolving the controversy by holding a series of community meetings to publicly air and negotiate the tensions that existed.

Many questions remained unanswered despite the public effort to stop the club from operating. How did this club gain the city permits to operate? Why was public input not welcome? Who could explain so many inconsistencies found during research of the permitting process? The City Council fully responded to the questions that the neighbors were asking. From Fall, 1993 until Spring, 1994 Council members devoted many hours, both at meetings and personally, to this issue. They worked to bring the neighborhood and city staff towards an understanding and a resolution. In addition, the City Council initiated contact with State Representatives and the N.H. Liquor Commission to intercede in the licensing process.

The Club closed in September 1994, two years after opening.

The controversy surrounding the Malibu Beach Club was long, very complex and intense, sometimes bitter. Hopefully, this process yielded new insights that will help clarify future complex zoning issues that will arise in Portsmouth.



Jim Splaine
83 Willard Avenue
Portsmouth, NH 03801
Telephone & FAX: (603) 431-1051

January 11, 1995

To: The Neighborhood Committee
From: Jim Splaine
Re: Report Update on Treelines & Greenscapes

One of the many things the Neighborhood Committee has discussed and considered during the past year has been the need to encourage the creation of barriers in neighborhoods that experience the spread of adjoining development. Many noise, smell, sight, and related environmental and social problems caused by development in and near neighborhoods can be reduced or entirely abated by paying attention to **greenscapes**.

At the same time, it is clear from situations relating to development on Woodbury Avenue and Lafayette Road that neighboring residential areas near development can benefit from the establishment of **treelines** along those roads. Both entranceways, as well as areas of Islington Street and other places where development has spread, have seen considerable reduction of treelines and greenscapes during the past several years.

Neighborhood Committee member Raymond Will and I have worked to create and eventually implement an approach called **Treelines & Greenscapes**, attached with this report, to encourage restoration of Woodbury Avenue and Lafayette Road to pleasing entryways to Portsmouth. We will also expand the concept for Islington Street, the Route One Bypass, and eventually all areas affected by development, both new and old. In addition, we have proposed a **parkway** atmosphere for both Woodbury Avenue and Lafayette Road whereby at least part of the divide strip of both stretches would have treelines and greenscapes, greatly enhancing the visual attractiveness, safety, and environmental balance. This effort needs state agreement and considerable followthrough but if it is a vision for our future Portsmouth that we make a community, with entranceways, that will always be attractive, we can have it. It is good for business and good for residents who call Portsmouth their home.

Treelines and Greenscapes will be an on-going effort and other members of the Neighborhood Committee and any residents are welcome to join in. It is a concept and a project that can mean a lot for the future of Portsmouth and the way we and visitors look at our community in that future.

Thank You,

We Can Make Our Future What We Want It To Be



Treelines & Greenscapes

Objective: To encourage positive and visionary 21st Century thinking in existing and future development in Portsmouth by bringing attention to the advantages of Professional Setbacks for all businesses. Professional Setbacks provide visual screening and greenery in front of businesses - - visual screening in the form of trees and greenery in the form of landscaping, thus enhancing the environmental balance and attractiveness of the community.

Professional Setback: An area containing at least several meters in front of development that allows space for trees, shrubs, and landscaping. The Professional Setback concept allows for attractive signing to inform passersby of the location of the business, but contains adequate trees and greenscaping so that the development itself is effectively screened from the road.

Treeline: A grouping of trees that effectively provide visual screening of development from the road, preferably with year-round coverage. Ideally the trees are of such height and branch coverage that the development is screened, although it need not be totally out of view.

Greenscape: A grouping of well-kept shrubs, bushes, flowers, and related greenery that provide an attractive and neat landscaped fronting for the development.

Treelines & Greenscapes: A creative combination of visual screening and greenery in an area of Professional Setback for a development.

Awards

To encourage Treelines & Greenscapes, and to continually define and bring attention to good examples of Treelines & Greenscapes, monthly awards will be given in the following categories:

The Treeline Award: The Treeline Award will be presented to the development that demonstrates a creative effort to provide a grouping of trees that effectively provide visual screening of development from the road, preferably with year-round coverage. Ideally the trees are of such height and branch coverage that the development is screened, although it need not be totally out of view, thus enhancing the environmental balance and attractiveness of the community.

The Greenscape Award: The Greenscape Award will be presented to the development that demonstrates a creative effort to provide a grouping of well-kept shrubs, bushes, flowers, and related greenery that provide an attractive and neat landscaped fronting for the development, thus enhancing the environmental balance and attractiveness of the community.

The Wasteland Award: The Wasteland Award will be presented to the development that shows no or little concern about environmental balance and attractiveness of the community. It will contain positive suggestions for improving the wasteland.

These Awards will be presented in the form of certificates to the developments by a consensus of a committee of Project: Portsmouth Renaissance. They offer the opinion of the committee; public input is welcome. Informed of the Awards will be newspapers and radio stations of the Greater Portsmouth area for use as they wish. Local business organizations will also be informed of the Awards in an effort to encourage consideration of Treelines & Greenscapes in future development that will enhance and preserve the unique character of Portsmouth and the Seacoast.

Treelines & Greenscapes are part of Portsmouth Renaissance, a set of ideas and proposals for improving all parts of our community. It is a part of the not-for-profit series of The 2020 Vision Project, trademark, by The Splaine Group, Jim Splaine & Raymond Will. Telephone: (603) 431-1051.

SKATEBOARD REPORT

(or "Don't just ban it there... DO something!")

Year end issue report from the Neighborhood Committee.
By Committee Member Raymond A.G. Will.

On May 2nd, 1994 the Portsmouth City Council banned skateboarding in Prescott Park. In response to the Council's action I prepared an ammenment to the proposed banning (which at the time of the meeting was changed into a resolution) resolving that while the Council agrees that Prescott park is not an appropriate place for skaters, that the City Council would work to find a place for them "with all deliberate speed." It was then moved by Councilor Sirrell to make the issue the responsibility of the Neighborhood Committee.

Two days later the Neighborhood Committee briefly discussed the issue as well as possible locations for a small park at their Sub-committee meeting on May 4. The issue was assigned to me and I hoped to bring the issue to the next open meeting of the Neighborhood Committee, but budget work and other issues by Council created difficulties in scheduling an open meeting in the near future. The Committee, due to the Council's busy schedule, was only able to hold one meeting in the next few months, and it was a work session concerning the Lafayette Road rezoning.

At this point it seemed that I would need help from outside the Neighborhood Committee. I had talked to Rusty Wilson of the Recreation Department about setting up a meeting for all interested parties. He was very responsive and we set up the meeting at his office at 4pm on June 7. This meeting was poorly advertised through we had issued press releases. The only person to attend was a gentleman who wanted to build a multi-million dollar facility, which Rusty and I saw as a "pie-in-the-sky" type proposal that the Council would never agree to.

After this meeting I made a request to Councilor Sirrell that I be able to work with the Recreation Board on building a skateboard park. But regrettably I had missed the initial Rec Board meeting when skateboards were discussed. The main fear at that meeting (and a legitimate one) was that the recreation department's budget had already been slashed and expansion was out of the question, as the were trying to maintain the programs they already had. I then made a request to Rusty to meet with the Rec Board to clarify my position. I needed to meet with the Rec Board not to ask for funding but advice on organizing a grass roots effort to find interest in a Park, find volunteers, potential sources of outside funding, and what pitfalls to watch out for all along the process. These are things that the Rec

Board deals with every day, and the Neighborhood Committee is simply not equipped to handle. With this in mind potential locations were discussed, as well as potential problems in liability and maintenance. With better goals in place, Rusty and I were better able to organize a meeting for December 7. We advertised on Continental Cablevision (which Rusty said got great response even before the December 7 meeting) and Karen Swanson (from the Neighborhood Committee) and I put yellow-and-black signs announcing the meeting all over the Portsmouth countryside.

The meeting itself was well attended with about 15 skaters, 3 or 4 parents, Tim Sheppard, Karen Swanson, and myself from the Neighborhood Committee, as well as Ernie D'Angelo, the owner of Bikes and Boards. Suggestions were many. Mr. D'Angelo suggested using scrap from the City Yard to construct such a site, because of its low cost (free) and ease to maintain. One skater suggested asking the Boy Scouts of America to help in the liability cost. But many skaters wanted to know where they could skate in the meantime. They said that they used to bring their own equipment to the High School but were told to leave due to liability concerns.

The meeting got good coverage by both local papers. Rusty took down everyone's name and number for future reference and said he would ask the City Attorney about where skaters could go in the meantime without fear of liability.

As it stands now, we have confirmed the interest in a skateboard park in the city, and have a list of potential volunteers (and their friends) to help the process along. The Rec Department is contacting other skateboard parks (as suggested by skaters at the meeting) for advice on liability, maintenance, etc. The future of the process is to blend the information gained from outside sources with the volunteer resources we have to help build a skateboard park in Portsmouth with at least some deliberate speed.

Yours truly,



Raymond A.G. Will
Neighborhood Committee.

Oxford Avenue

YEAR END ISSUE REPORT FROM THE NEIGHBORHOOD COMMITTEE

BY

COUNCILOR EVELYN SIRRELL

"Drainage Swale at the end of Oxford Ave." JULY 1994

Neighborhood complaints that the end of Oxford Ave floods to a depth of six inches or more. There is no drainage so the water remains for days, hindering traffic, damaging the roadway, flooding basements and interfering with mail and garbage service. The situation is most dangerous in the winter when "Lake Oxford" freezes over.

Attempts to correct this problem were started with the City Manager and Public Works Department. When a vote by the City Council was taken and passed a cost of \$1500.00 for the Swale work.

On August 18, 1994 both neighbors living at the end of Oxford Avenue refused to sign perpetual drainage easements citing possible future expansion of their homes.

Because of the physical layout of the properties in relation to large trees a price of \$500.00 to remove trees, this did not include stumping of the trees.

A poll was taken of the homeowners directly affected by the water problem to see who would be interested in contributing to the tree removal and no one was interested.

Other options will be examined in the future to solve this problem. A thank you to the City Manager, and the Public Works Department as well as Tom Richter-Engineering Technician for a job well done.



**Truck Stop
Route 33, Portsmouth**

YEAR END ISSUE REPORT FROM THE NEIGHBORHOOD COMMITTEE

BY
COUNCILOR EVELYN SIRRELL

Noise, Traffic, and Safety Concerns of Neighborhood since allowing a Diesel Truck Stop:

Update on Aranco Oil Company (Sunoco Station) 1166 Greenland Road Route 33 (formerly Route 101) Portsmouth, NH 03801

"ILLEGAL FILL"

This has been an ongoing problem since 10-6-90 when Aranco applied for a permit to remove illegal or contaminated fill from wetland on their property and apparently replace it with clean fill, at least the application was for "dredge and fill". This permit was granted on 12-4-90.

A good deal of fill has been added to the site. The area of land in use seems to have increased noticeably and is being used primarily for parking trucks and other vehicles.

"Request for investigation of the activities of Aranco was started"

June 9/94 The New Hampshire Wetland Board examined property to determine if wetlands had been filled to expand the truck stop operation.

17.44 acres of which 2.39 acres is assessed as a commercial site and the remaining acre's are listed in Rockingham County Register of Deeds as "Wetland".

The State Wetlands Board alleges that Aranco Oil Company have filled in more than 43,000 square feet of wetlands.

The outcome of this was that the board will require Aranco Oil Company to remove or restore wetlands by October 23, 1994. On August 23, 1994 an administrative fine of \$2,000 was levied against Aranco Oil Company for filling in the wetlands.

Islington Street

DECEMBER 14, 1994

RE:
UPDATE REQUEST
737 ISLINGTON STREET
PORTSMOUTH, N.H.

IT IS WELL KNOWN THAT FOR THE PAST SEVEN YEARS I HAVE MADE NUMEROUS TRIPS TO VARIOUS DEPARTMENTS CONNECTED WITH THE CITY OF PORTSMOUTH IN REGARDS TO THE LACK OF COMPLETION OF THE APPROVED PLANS AND SPECIFICATIONS FOR THE PROPERTY THAT WAS ONCE KNOWN AS THE SKI SHED BUILDING. I HAVE APPEARED BEFORE THE CITY COUNCIL THREE TIMES AND SUBMITTED TWO WRITTEN LETTERS OF REQUEST FOR INVESTIGATION. THESE LETTERS TO THE CITY COUNCIL EXPLAINED IN FULL DETAIL THE EXACT NATURE OF MY CONCERNS AND A COPY OF EACH HAS BEEN INCLUDED WITH THIS REPORT.

DUE TO THE SUBSTANTIAL DOCUMENTATION I HAVE BROKEN DOWN EACH CATEGORY IN A SIMPLE FORM THAT CAN BE REVIEWED IN A TIMELY MANNER. EACH PACKAGE STATES THE PROBLEM CONCERNS AND PARTIAL BACKUP INFORMATION. THESE PACKAGES HAVE BEEN SUBMITTED TO VARIOUS MEMBERS OF THE CITY COUNCIL, THE PLANNING DEPARTMENT AS WELL AS TWO CITY MANAGERS.

RESOLVED MATTERS TO DATE:

DRAINAGE SYSTEM:

THE VISUAL SURVEY WAS REVIEWED BY ALL DEPARTMENTS. DUE TO THE FACT THAT WRITTEN DOCUMENTATION WAS NOT SUPPLIED BY THE PRIVATE CONTRACTOR I WAS REQUESTED TO OBTAIN IN WRITING THAT THE PRIVATE CONTRACTOR DID COMPLETE THE SURVEY. THE QUESTION WAS BROUGHT UP THAT ANY ONE COULD STAKE A LOT LINE AND THE CITY REQUIRED WRITTEN PROOF. THIS PROOF WAS SUPPLIED TO THE CITY WHEN WEATHER CONDITIONS PERMITTED AT AN ADDITIONAL COST.

THE CITY IS STILL INVESTIGATING THE PLACEMENT OF THE DRAINAGE SYSTEM/SWALE THAT IS PARTIALLY LOCATED ON MY PROPERTY.

NO RESOLUTION TO DATE.

THE CITY IS STILL INVESTIGATING THE EFFECTIVENESS OF THE DRAINAGE SYSTEM.

NO RESOLUTION TO DATE.

HEATING SYSTEM:

THE CITY AGREED TO INSTALL A FENCE AROUND THE HEATING SYSTEM BEFORE THE SUMMER MONTHS OF 1994 TO ELEVATE PART OF THE NOISE PROBLEM.

I HAVE BEEN INFORMED THAT THE CITY YARD IS VERY BUSY AND THE FENCE HAS NOT BEEN INSTALLED.

NO RESOLUTION TO DATE:

LANDSCAPING:

I WAS INFORMED BY THE CITY THAT THE NEW OWNERS WERE IN THE PROCESS OF COMPLETING THE LANDSCAPING TO THE PROPERTY. THIS LANDSCAPING WAS TO BE COMPLETED LAST YEAR. TO DATE NO LANDSCAPING HAS BEEN COMPLETED.

NO RESOLUTION TO DATE.

AS YOU CAN SEE I AM STILL IN THE SAME SITUATION AS I WAS IN 1986.

I AM AGAIN REQUESTING THAT MY CONCERNS BE ANSWERED IN WRITING AS HOW THE CITY OF PORTSMOUTH WILL ENFORCE THEIR ZONING REGULATIONS AND PERMIT PROCESS TO CORRECT THE PROBLEMS THEY HAVE BEEN CAUSED DUE TO LACK OF ENFORCEMENT.



KYLE LANGELIER
737 ISLINGTON STREET
PORTSMOUTH, N.H.

The Peter's Palace Problem

When Peter Barber was allowed to open his Palace in the late 1970's at its present location on By Pass One near Myrtle Avenue and Cutts Street, the City of Portsmouth made three serious errors. First, an adult book store should never have been allowed so close to an elementary school (the New Franklin School). Second, an adult book store should never have been allowed so close to a residential neighborhood. Third, Peter's Palace should have been required to erect a fence to screen it from the nearby residences.

This deplorable situation continued for about 15 years, with particularly adverse effects on the residents of the home nearest to Peter's Palace – the Gene Cummings family, which includes a number of children. Over the years, untold numbers of sex magazines, sexual devices, and other x-rated products sold by Peter's Palace have littered the grounds of the Cummings' residence and the adjoining streets.

Fortunately, the City Council has taken a number of steps to alleviate the Peter's Palace problem:

1. Myrtle Avenue and Cutts Street have been closed off from By Pass One so that all access to Peter's Palace is now from By Pass One (once the fence is erected).
2. The lot lines have been changed for the two lots owned by Peter Barber (one containing Peter's Palace and the other an office building) so that the official address of Peter's Palace is now By Pass One.
3. The City Council and the Planning Board, working together, have set in motion a process that will lead to the building of the screening fence that should have been required when Peter's Palace originally opened at its present location.
4. Although Peter's Palace cannot be forced to move from its present location, the

Planning Board has been directed by the City Council to draw up an ordinance that will ensure that any future adult book stores will not be located near schools, residences, churches, and non-x-rated businesses.

5. The City Council passed the open booth ordinance, which is intended to eliminate the unhealthy sexual activities that can take place at adult book stores like Peter's Palace, and thereby, somewhat lessen the adverse effects of such stores on surrounding neighborhoods.

ROUTE 1 BYPASS

A meeting was held July 23, 1990 for residents in the vicinity of Hanscom's Truck Stop to express their concerns regarding the truck stop. Mr. and Mrs. Hanscom along with their attorney, Paul McEachern, attended expressing their point of view.

The City's Legal Department sent a lengthy memo to the City Council on July 26, 1990 concerning the residents and the Hanscom meeting mentioned above. The residents' concerns about the liveability of their properties were detailed and the rebuttal of the Hanscoms were outlined.

Some suggestions presented have been: to stop operations between certain night hours, to create sound and light barriers completely around the truck stop, to prohibit trucks from making a U-turn over Maplewood Avenue since so many truckers do this as a turn back onto the Route 1 Bypass South. In hopes to accomodate a business, yet acknowledge that residential proprty owners have certain attainable rights, a business should be willing to work to help maintain the balance.

In a newspaper article (Portsmouth Herald) dated 6/23/94, Chief Planner, David Holden, is quoted as saying the truck stop needed to provide a buffer for protection of the residential property from noise, odor, glare, etc. (please see Article IV: Noise Control, Section 3.401 to 3.406 which provides ample criteria to cite Hanscom's Truck Stop in violation). In this same article City Attorney Sullivan is quoted as saying "there are lots of problems in the vicinity" that needed solving and that "go beyond just compliance with the ordinances."

The City's Chief Planner sent two registered letters to Mr. Hanscom in 1994 regarding the apparent lack of correct building permits. Mr. Hanscom was asked to schedule a meeting with the Planning Department.

A list of recent accidents from 7/1/91 to 3/18/94 is attached.

In early December of 1994 the City Council inquired as to the status of the Planning Department's enforcement activities relating to Hanscom's fencing and screening. The violation of the Zoning Ordinance in Mr. Holden's letter must also be addressed. The City Council has set the end of January 1995 as the deadline for agreement to be reached between Hanscom and the City.

Haley, Fredk F 22 Harrison Ave	436-7898
Haley, K 563 Sagamore Ave	433-6128
Halka, John & Kari 502 White Cedar Blvd	430-8954
Hall, Allan L 126 Elwyn Ave	436-6014
Hall, Christopher 1574 Woodbury Ave	433-8426
Hall, Clifford L 419 South St	436-3405
Hall, Eirik Little Harbor Rd	431-5144
Hall, Francine S 27 Wentworth Rd	436-1719
Hall, Geo 1 Stonecroft Rd	431-5604
Hall, James Consultant 31 Raynes Ave	430-9333
Hall, Jas & Beverly 32 Baycliff Rd	430-9185
Hall, Kenneth 29 Sunset Rd	436-5329
Hall, Nancy L 277B Marcy St	433-5334
Hall, R 38 Manor Dr	431-8343
Hall, Robin 20 Dover St	433-8703
Hall, Stuart R 4 Pleasant Point Dr	431-6444
Hall, Tracy 183C Greenleaf Ave	431-7638
Hall, Virgil V 623 Kearsarge Way	431-4398
Halliday, Diane E 959 Maplewood Ave	436-6684
Hallinan, Barbara E 9 Weald Rd	427-2084
Hallmark Debby'S Lafayette Rd	431-8054
Hall-McGee Realtors 33 Deer St	436-6636
Halloran, M C 777 Middle Rd	433-8481
Halloran, Wendy 495 State St	431-3675
Halperin, Bob 922 State St	433-3001
Ham, Chas S 11 Meadow Rd	436-3515
Ham, Harold J 20 Islington St	436-2970
Ham, Jami 182 Cutts St	433-4140
Ham, Jessi 180 Cutts St	427-1322
Hamel, M 940 State St	431-4186
Hamel, Roger L, CPA Market St	431-5040
Hames, Philip 309 White Cedar Blvd	431-4463
Hamilton Stevens & Brown The Hill	436-7431
Hamilton, David, CPA 600 State St	436-9101
Hamilton, E 182 Market St	427-0929
Hamilton, Eveleth 946 State St	433-2132
Hamilton, Hazel G 37 Prospect St	431-6248
Hamilton, M 245 Middle St	436-8310
Hamilton, N 149 Jones Ave	436-5583
Hamilton, R 279 Richards Ave	433-3251
Hamilton, R Scott 20 T J Gamester Ave	427-2913
Hamilton, R Scott 20 T J Gamester Ave	427-2918
Hamilton, Wm A 61 Lawrence St	436-6029
Hamilton, Wm A 61 Lawrence St	431-2637
Hamlien, Robt A 96 Miller St	433-5833
Hammer, Ralph F 218 Edmond Ave	436-4465
Hammer, Russell T 73 Monteith St	436-1129
Hammer, W L 241 Middle St	433-3123
Hammer, Wendolyn, Jwly 50 Market St	433-0830
Hammond, Jennifer 54 Court St	433-2268
Hampton Air Field	
U.S. Rte. 1, North Hampton	964-6749
Hampton Shuttle 9 Congress St	436-5363
Hampton Systems Group	
6 Greenleaf Woods Dr	431-7315
Hamrick, N L 245 Middle St	436-6210
Hamsley, S A Robert Ave	436-7998
Han, Sang-Shin & Grace 555 Ocean Rd	433-7475
Hancock David Home Builders	
240 F W Hartford Dr	436-2150
Hancock, C R 401 State St	433-1573
Hancock, David A & Janis S	
240 F W Hartford Dr	430-8450
Hand, Deanna 48 Winter St	433-6525
Hand, Matthew W 134 Middle St	431-2579
Hand, Wm W 15 Denise St	436-5193
Handel, Catherine 348 Maplewood Ave	436-4637
Handle With Care Packaging Store	
800 Islington Plz	436-4847
Haneisen, C 25 Melbourne St	436-1692
Hanley, G 2 Stonecroft Rd	433-8985
Hanley, Jos A 641 Maplewood Ave	431-0846
Hanley, Pauline A 4 Schurman Ave	431-8169
Hanley, Russell A 18 Peverly Hill Rd	431-5792
Hanley's Auto Sales 226 Cate St	436-3602
Hanlon, Christopher 53 Rogers St	436-9517
Hann, Terry Stonecroft Rd	436-5005
Hanna, Justin K & Catherine	
528 Middle St	431-7061
Hanna, Wassfy M, MD 278 Lafayette Rd	436-6887
Hannay, M L 109 Ash St	436-2958
Hannigan, G I 52 Manor Dr	436-9216
Hanscom, Donna 55 Wentworth St	430-9670
Hanscom, Justin M, Jr 1380 Elwyn Rd	436-6002
Hanscom, Roland A 455 Greenside Ave	436-5219
Hanscom, S J 41 Salem St	436-6674
Hanscom, W 21 Langdon St	431-1682
Hanscom's Truck Stop Inc	
500 Maplewood Ave	436-5171
Getty Station Route 1 By-Pass	436-8501
Mobil Station Route 1 By-Pass	436-0141
Restaurant Route 1 By-Pass	436-1682
Sunoco Station Rte 1 By-Pass	436-0186
Tire Shop Rte 1 By-Pass	436-2730
Hanscom's Warehouse 60 West Rd	427-0150
Hansen L L Legal Professional Assoc.	
4 Market St.....	436-7240
Hansen, E 647 Middle St	436-5695
Hansen, Greg & Marcia 430 Richards Ave	430-9564
Hansen, K 286A Cabot St	436-3050
Hansis, Jeff & Pat 374 Lincoln Ave	430-8306
Hanson, Alex & Debra	
893 Woodbury Ave	436-7202
Hanson, K 3 Hillside Dr	436-2039
Hanson, Norman L 156 Holly Ln	436-1531
Hanson, Todd & Lisa 376 Middle Rd	431-9795
Happny, Peter 66 Rock St	436-4859
Haran, F 3 Freedom Cir	433-8766
Harbor Advisory Corporation	
500 Market St	431-5740
Harbor Arts-Crea 93 High St	436-8596
Harbor Card Services Inc 22 Market Sq	436-6341
Harbor Group Inc The 501 Islington St	427-0609
Harbor Lights, The	
U.S. Rte. 1, Hampton Falls	926-8500
Harbor's Edge	
250 Market St	431-2300
Harborview Magazine 801 Islington St	436-5079
Harbour Computer Inc 70 Newcastle Ave	436-7999

CAD CALL ACCIDENT ACTIVITY REPORT

FROM POLICE REPORTS FOR 07/01/91 TO 03/18/94
TOTAL OF 2 YEARS 7 1/2 MONTHS

Area of Route 1 By-pass South bound & Maplewood Avenue.....	3
Area of Route 1 By-pass North bound & Maplewood Avenue.....	11
Area of Maplewood Avenue & Route 1 By-pass North bound.....	4
Area of Route 1 By-pass South bound & Cutts Street	21
Area of Cutts Street & Route 1 By-pass South bound.....	<u>4</u>
	SUB-TOTAL
	43
Accidents on Dennett Street.....	16
Area of Dennett Street & Bartlett Street.....	<u>1</u>
	TOTAL
	60

cc: Mayor + cc
Info. PKT. 12/30/94



CITY OF PORTSMOUTH

Municipal Complex, P.O. Box 628
Portsmouth, New Hampshire 03802-0628
(603) 431-2000 FAX (603) 427-1526

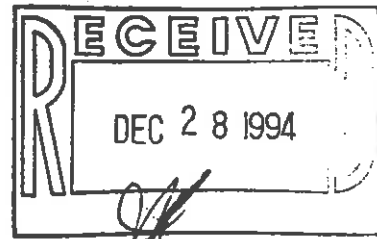
5.

PLANNING DEPARTMENT

December 28, 1994

Mr. Samuel "Buzzy" Hanscom
500 Maplewood Avenue
Portsmouth, NH 03801

Paul McEachern, Esquire
P. O. Box 360
Portsmouth, NH 03802-0360



Re: Issues affecting Lot 19 on Assessor Plan U-41 and Lot 32 on Assessor Plan U-42

Dear Buzzy and Paul:


This letter commemorates our meeting held on the 21st of December in the Planning Department Conference Room. In this meeting, issues affecting the above site were discussed and positions outlined.

In a brief summary these issues concerned: the expansion of a truck stop without review by the City onto an adjacent lot; and, the need for screening of the overall site from residential properties. It is my understanding that your current position relative to these issues is as follows:

- 1) That you do not believe you are obligated to apply to the City for any approval for the expansion of this use onto an adjacent lot; and,
- 2) That concerning screening, you are interested, without making a commitment, in exploring possible approaches.

It was also agreed that the Planning Department would communicate with and solicit the involvement of the NH Department of Transportation in regards to potential screening solutions. It is the Department's intent to assemble information and parties, where possible, in early January. At this meeting, we would explore these issues further to see if there is a potential resolution; and if so, how it might be structured. If you have any comments or concerns relative to this letter, please contact me at 431-2000 or 431-2006 ext. 216.

Yours truly,


David M. Holden, Chief Planner
dmh/bbd

cc: Robert P. Sullivan, City Attorney
Lucy Tillman, Planner I
James A. McSweeney, City Manager



CITY OF PORTSMOUTH

Municipal Complex, P.O. Box 628
Portsmouth, New Hampshire 03802-0628
(603) 431-2000 FAX (603) 427-1526

May 3, 1994

Hanscom's Truck Stop
500 Maplewood Avenue
Portsmouth, New Hampshire 03801

Re: Map U-42, Lot 32 / 978 Interstate By Pass North (formerly Merchants Rent A Car) and Map U-41, Lot 19 / 1010 Interstate By Pass North (including Map U-42, Lot 33

Dear Mr. Hanscom:

Thank you for meeting with Robert Sullivan from the Legal Department, David Holden and Lucy Tillman from the Planning Department and Steve Matatics from the Inspection Division on the 26th of April. The purpose of this meeting was to discuss the history and various issues concerning the above referenced properties.

Based on these discussions the following has been determined.

The property located at 1010 Interstate By Pass North received a Building Permit for "tank installation and new gas islands" on July 25, 1990 (former Map U-42, Lot 33, now part of Map U-42, Lot 32). Former Map U-42, Lot 33 had previously been used as service station which included fueling pumps, service islands and related fuel storage tanks.

This use is alleged to have predated the City's current *Zoning Ordinance* adopted in 1982. As such it may not have required a Special Exception as allowed in Article II, Section 10-206(17) of this Ordinance so long as the present use does not exceed the natural and normal expansion of the use. However, under the present Ordinance an expansion that exceeds this level of use would require compliance with the previously stated requirements, as well as, Article IV, Section 10-404 for Screening.

In reference to property located at 978 Interstate By Pass North, the use of this property in conjunction with the truck stop, is considered to be in violation of the City's *Zoning Ordinance*. A review of municipal records for this lot have indicated that the last Building Permit issued for this site was to demolish the former Merchants Rent A Car building. No other subsequent use has been applied for. Based on site inspections made by this Department and the Inspection Division; it is evident that this lot has now become an integral part of the overall truck stop located at 1010 Interstate By Pass North. The expansion of this use onto this lot constitutes an expansion which the present *Zoning Ordinance* regulates by requiring a Special Exception from the Board of Adjustment, as well as, consideration under Article IV.

It is the Department's contention that both 1010 and 978 Interstate By Pass North require screening from residentially used and zoned property as defined in Article II, Section 10-206(d) and Article IV, Section 10-404 This screening is required to provided a buffer for protection of the residential property from noise, odor, glare, etc.

Based on the information available to date, you are hereby requested to file an application for a Building Permit / Change of Use for property shown on Assessor Plan U 42, Lot 32 and to make application to the Board of Adjustment no later than May 20, 1994. Failure to respond to this request will be deemed to constitute a violation of the *Zoning Ordinance* under Article XIII, Section 10-1302(3) and necessitate legal recourse.

You should also be aware that the Planning Board is in the process of proposing a draft Zoning Ordinance for consideration by the City Council. Proposed changes in this draft do affect your properties.

The Department looks forward to working with you in resolving these determinations. Please contact either one of us, if you have questions concerning this letter.

Yours truly,


David M. Holden, Chief Planner


Lucy E. Tillman, Planner I

cc: Robert Sullivan, City Attorney
Steve Matatics, Zoning Officer

TO: City Council's Neighborhood Committee

FROM: Representatives from Cabot/Austin Street area

SUBJECT: Summary of 1994 Activity

DATE: January 1995

The greatest achievement of the Cabot Street Area Neighborhood Association has been the return of hope to the community. Before, people did not feel that their concerns were being heard and did not know where to voice their concerns. Now with the monthly neighborhood meetings, there is a group that listens and gets things done.

One of our first projects was a spring clean up of Cabot, Austin and State Streets. It was very well attended with neighbors enjoying themselves as well as being very constructive.

A very productive dialogue has been opened with the Police and City Government.

Landlords have been contacted about the Association and have responded favorably. The landlords of problem multi-unit properties have come to small meetings where neighborhood concerns were voiced and possible remedies suggested.

The intersection of Cabot and Austin was made into a 4-way stop to slow traffic near St. Patrick's School with crosswalks painted to aid the children in getting to the school. Neighborhood CrimeWatch signs were installed at both ends of Cabot Street and other locations in the immediate vicinity.

The phone company has changed the telephone at Cabot Street Market to allow only outgoing calls, making it more difficult for drug deals to be made.

Association meetings have also become a source of information for the neighborhood. Police, Government Officials, vendors and politicians have spoken on a variety of topics. Some of the topics have been about making your home more secure, how to protect yourself better, the nature of crimes we may be subjected to, stray animal control, owner responsibilities for pets and possible street improvements. People have not always agreed on all the speakers points of view, but everyone seems to appreciate the information presented.

Neighbor has been put back into neighborhood because of the meetings. People are getting to know their neighbors and feel that they are not alone. We have also held a summer block party, Halloween party for the children and a very successful Christmas party. None of this could have been done without Coordinator Cullan Spiller's enthusiasm and determination and the support of St. Patrick's School. Special thanks go to them for helping to make the Cabot Street area a better place to live.

Conclusion

Since the first preelection Neighborhood Committee meeting at Little Harbor School, several sectors of the city have found, through the this committee, an avenue to express their concerns and ideas. Much has been accomplished, some issues still await the Council's attention. Where do we go from here?

Recommendations

The striking feature of all the Year End Reports is that these situations exist, to one degree or another because the Permitting Process and the Zoning Ordinance are widely and loosely interpreted to benefit commercial interests at the expense of the surrounding residential communities. We need to review and clarify the entire permitting process, increase accountability, reinstitute enforcement, and use the Zoning Ordinance to benefit the whole community instead of the interests of a few. Strengthening the permitting process will promote a proactive vision for the city rather than the present reactive, legally shy policy making. The City Council must send a clear message that lack of process is no longer acceptable.

Accountability

Public Review - increase opportunities for Public input throughout permitting process in more complex cases under review. The Board of Adjustment now provides the sole opportunity to be heard.

The BOA decisions do not play an integral role in the Inspection and Planning Department Permitting Process. Often times the City Administration proceeds with Permits without respect for BOA decisions. The role of the BOA should be examined to remove its "paper tiger" status. (Dave Holden at a 3/6/94 special Council meeting cited the example of frequent BOA decisions regarding "screening". The BOA ruling never appears on permits or site plans, thus making City follow up difficult to nonexistent.)

Enforcement

Zoning Enforcement seems to be a low priority with Administrative staff. Strengthen procedure and clarify staff responsibilities regarding enforcement. Empower staff to follow through with enforcement policy.

Expansion of use is a common and often overlooked practice in the commercial sector. Although expansion is not necessarily evil, unchecked, locations such as 95 Albany St eventually threaten not just abutters but the character of entire sections of the city. The City must take a stand on unauthorized expansion and clearly commit to a penalty process.

Consistency of enforcement is lacking. What homeowner has not felt the inspection department breathing down their necks during changes (big or small)? Where is this same inspection department with the countless incidences of businesses expanding and changing uses. Inspection enforcement policy, presently aimed at "easy prey," need vision and prioritizing to use enforcement resources more effectively.

Zoning Ordinance - recommended amendments

Grand fathering - reduce one year window to four months. This will create more opportunity for administrative and public review of potentially controversial operations.

INSTRUMENT 10/2/94
+
A D WICKER

Undefined Principal Use - Should a new use, hereto for not defined in the Zoning Ordinance, apply for a permit, this application would trigger an Ordinance amendment process. The Malibu Beach Club permitting decisions were made by informal discussions between the planning and inspections department with absolutely no public input, simply because the word "nightclub" did not appear in the Ordinance.

Site Review - Any change of use should trigger a new site review. This step would eliminate the practice of ignoring signs of expansion of use, as was the case in the growth of Pastels to The Malibu Beach Club

**PARKING and TRAFFIC SAFETY COMMITTEE
ACTION SHEET**

8:00 A.M. – April 8, 2021
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 Darrin Sargent
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

ACTION ITEMS FOR CITY COUNCIL

- | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none">• <u>Request to prohibit truck traffic on Bartlett Street once Hodgdon Way (Cate Street Connector) is fully open to traffic in July</u> – On a unanimous roll call 9-0, voted to prohibit truck traffic on Bartlett Street as expeditiously as possible. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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 2020-20, 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.
2. Financial Report – **On a unanimous roll call 9-0, voted** to accept and approve the financial report dated February 28, 2021 as presented.
3. Public Comment Session – There were five speakers: Iris Estabrook (Islington Creek Neighborhood Parking Program), Tom Morgan (electric vehicle charging stations), Judy Miller (pedestrian signals downtown), Mark Galvin (pedestrian signals downtown) and Kerry Rubinstein (pedestrian signals downtown)
4. Request for all-way stop at intersection of Court Street and Atkinson Street – **On a unanimous roll call 9-0, voted** to discuss agenda item. **On a unanimous roll call 9-0, voted** to refer to staff to conduct study and report back.
5. Request to prohibit truck traffic on Bartlett Street once Hodgdon Way (Cate Street Connector) is fully open to traffic in July – **On a unanimous roll call 9-0, voted** to follow staff recommendation for discussion purposes. **On a unanimous roll call 9-0, voted** to prohibit truck traffic on Bartlett Street as expeditiously as possible.

6. Request for traffic signal at intersection of Lafayette Road and Hoover Drive – **On a unanimous roll call 9-0, voted** to place on file, awaiting study from NHDOT.
7. Request for crosswalk on Greenleaf Avenue at Hillside Drive – **On a unanimous roll call 9-0, voted** to schedule public input session to discuss intersection improvement project at Greenleaf Avenue and Lafayette Road.
8. Islington Creek resident parking program – **On a unanimous roll call 9-0, voted** to schedule a public input neighborhood meeting on April 14, 6:30 PM.
9. Status of Chevrolet Avenue sidewalk, and traffic study – Traffic study is underway. The sidewalk project on Chevrolet Avenue to Cass Street is projected to be completed in the fall of 2021. *Informational item with no action required.*
10. Middle Street bike lane status update – Staff discussed the changes that have been made to date and provided an update on installation of bollards. *Informational item with no action required.*
11. Islington Street construction update – Detour pattern will start next week. *Informational item with no action required.*
12. Outside dining barricade setup, Congress Street loading/parking west of Fleet Street – Staff provided an update on the barricade setup and the flow of traffic. The Committee also discussed the possibility of adjusting loading zone time periods based on utilization. Staff will review and report back. *Informational item with no action required.*
13. Locations of speed feedback signs and pedestrian RRFBs – Map provided in packet. *Informational item with no action required.*
14. Monthly accident report from Police Department – *Informational item with no action required.*
15. PTS Open Action Items – *Informational item with no action required.*
16. Foundry Garage lighting and distance concerns – Staff provided an update on improvements. *Informational item with no action required.*
17. Holiday info on meters and kiosks – Staff spoke about the software limitations regarding messaging on meters and kiosks. *Informational item with no action required.*
18. Adjournment – At 9:40 a.m., **on a unanimous roll call 9-0, voted to adjourn.**

Respectfully submitted by:
Amy Chastain, Department of Public Works

MEETING MINUTES

PARKING and TRAFFIC SAFETY COMMITTEE

8:00 A.M. – April 8, 2021
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 Darrin Sargent
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

III. FINANCIAL REPORT:

Mary Lou McElwain questioned if signage advertising the \$1.00 an hour rate at the Foundry Place Garage would go back up near the Sheraton Hotel to help lead people to the garage. Parking Director Ben Fletcher confirmed he would look into it. There is a permanent sign on Market Street at Russell Street. If there is a spare sign, then he would be happy to put it back up.

Steve Pesci noted that there is an annual problem with competing operator signs encroaching in the right-of-ways and sidewalks. City staff should keep on top of that. Parking Director Ben Fletcher confirmed staff would look at the placement of the signs.

Harold Whitehouse moved to accept and approve the financial report dated February 28, 2021 as presented, seconded by Mary Lou McElwain. **On a unanimous roll call, motion passed 9-0.**

IV. PUBLIC COMMENT:

Iris Estabrook commented that she and her neighbors felt left out of the Islington Creek Parking Program. That concern should be considered.

Tom Morgan commented on the motion passed by City Council recently about the electric vehicle charging stations. The item was referred to this Committee for a report back. Mr. Morgan encouraged the Committee to recommend more stations. Portsmouth is behind

the curve on this. The City should not get in the business of running or operating the electric spaces. However, they should make it easier for private operators to put them in. The DC rapid charging units would also be good to add.

Judy Miller commented that the pedestrian traffic lights along Maplewood Avenue at the Deer Street, Hanover Street, Congress Street need to be reconsidered. The overall idea to move traffic is good but cars are not stopping for pedestrians when they are turning right on red. This crossing is now dangerous for pedestrians. There is a sign that says, "watch for pedestrians." However, this could become a bigger problem as traffic increases for the summer. This whole change favors cars over people. The right turn on red should be changed to no turn on red.

Mark Galvin commented on the Maplewood Avenue intersection as well. Mr. Galvin walks that route every day. That intersection is dangerous for pedestrians. Some police officers have agreed it is dangerous. The intersection was incredibly pedestrian friendly, but now it is not at all. The yellow flashing light can be confusing for drivers. The concrete barriers for outdoor seating will add another layer of complexity.

Kerry Rubinstein commented on the Maplewood Avenue intersection as well. The traffic light changes have made it dangerous for pedestrians. This should be looked at again.

V. NEW BUSINESS:

A. Request for all-way stop at intersection of Court Street and Atkinson Street, by Doug Johnson. Eric Eby commented that people come around that corner fast, so it makes it hard for a resident to back out of their driveway. The building on the corner also limits sightlines at that intersection. The plan is to collect data to evaluate the traffic volumes and take sightline measurements to see if an all-way stop is appropriate.

Mary Lou McElwain moved to discuss the agenda item, seconded by Steve Pesci. **On a unanimous roll call, motion passed 9-0.**

Mary Lou McElwain commented that it should be extended down to Washington Street as well. Both Atkinson Street and Washington Street are two-way streets. They are narrow and dangerous at the State Street and Court Street intersections. Staff should look at making them one-way instead of putting up stop signs. That would make it easier. It is a complicated problem.

Public Works Director Peter Rice commented that this agenda item was just to discuss the all-way stop. Mary Lou McElwain noted that she was requesting to extend the study. Chairman Peter Whelan noted that they could bring up the one-way request during the miscellaneous section at the end of the meeting.

Erika Wygonik commented that having staff gather data makes the most sense.

Mary Lou McElwain moved to refer to staff to conduct study and report back, seconded by Steve Pesci. On a unanimous roll call, motion passed 9-0.

B. Request to prohibit truck traffic on Bartlett Street once Hodgdon Way (Cate Street Connector) is fully open to traffic in July, by Bill Davis. Eric Eby commented that the truck restriction would be put in place on Bartlett Street. Hodgdon Way is under construction and will connect traffic from the Bypass to Bartlett Street. Opening that roadway will allow trucks to get to Ricci Lumber without traveling Bartlett Street.

Public Works Director Peter Rice moved to follow staff recommendations for discussion purposes, seconded by Steve Pesci. **On a unanimous roll call, motion passed 9-0.**

Public Works Director Peter Rice commented that truck traffic is currently prohibited on Woodbury Avenue from Dennett Street to Bartlett Street. This action would complete the truck traffic restriction for the rest of the area. Cate Street will be modified this spring with a stop sign at Bartlett Street. The intent is to discourage people from naturally turning right onto Bartlett Street. Initial design for Bartlett Street has been completed. This is part of a larger effort to address the concerns of the residents. These changes will calm traffic and create a more pedestrian friendly environment. Public Works Director Peter Rice commented that the motion should say that this will be implemented as expeditiously as possible instead of immediately.

Chairman Peter Whelan commented that they should ensure all businesses with tractor trailer deliveries are accounted for with this change. Public Works Director Peter Rice commented that most of the truck traffic was box truck deliveries. A truck restriction does not prohibit legitimate deliveries. It just restricts through truck traffic.

Jonathan Sandberg questioned if trucks would still be allowed on Dennett Street. Eric Eby responded that there was already a truck restriction on Dennett Street.

Steve Pesci questioned if the through street could be all one name instead of changing from Cate Street to Hodgdon Way. Public Works Director Peter Rice responded that they worked hard to try to resolve that, but the naming must remain as it is. There are existing businesses with longstanding street frontage.

Steve Pesci questioned if the future restriction would cover Woodbury Avenue from the southward ramp. Eric Eby responded that Woodbury Avenue currently has a truck restriction for its entire length. Steve Pesci commented that they should share an image showing the full network of truck restrictions with the public to better inform them.

Public Works Director Peter Rice commented that adding signage about the restriction is a good point. They will need to work with the State to coordinate signage.

Erika Wygonik commented that it would be good to see the Cate Street and Bartlett Street intersection redesigned. They need to make sure they are communicating the changes at the traffic decision point. It should be treated like a detour in terms of signage. Erika Wygonik suggested changing the little section of Bartlett Street to Cate Street to make it a more coherent through street. It is understood that it's not as simple, so it may not be possible.

Public Works Director Peter Rice moved to prohibit truck traffic on Bartlett Street as expeditiously as possible, seconded by Steve Pesci. On a unanimous roll call, motion passed 9-0.

VI. OLD BUSINESS:

A. Request for traffic signal at intersection of Lafayette Road and Hoover Drive, by Ken Riley. Eric Eby commented that he contacted NHDOT because it is their road. That intersection is part of their ongoing redesign project. They collected traffic volume information and it does not meet the warrants for a traffic signal. A traffic signal is not included in the design currently. Eric Eby recommended holding off until they can see the NHDOT report. There may be other changes that they propose that improve the situation.

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

B. Request for crosswalk on Greenleaf Avenue at Hillside Drive.

Eric Eby stated there is a project in the CIP for intersection improvements. A better way to address these concerns is to look at the area with the neighborhood and hold a public input session. That would lead to a better long-term solution rather than just putting in a crosswalk.

Public Works Director Peter Rice commented that the area was already approved for modification when the signal was installed at the entrance to the high school. The intent was to create a safe left turn option to get to the Bypass. It is a dangerous intersection to come out onto Lafayette Road. There are poor sightlines and people go too fast. The vote at that time was to look at it in a comprehensive manner. It does not need an additional vote. Public Works Director Peter Rice suggested to move this forward to the public process and use money for intersection improvements when they have more input from the residents.

Harold Whitehouse commented that at one point they were working with the State to "T" that intersection and questioned if that was still an option. Public Works Director Peter Rice responded that at one time the City had the opportunity to purchase the property that would have allowed them to "T" the intersection opposite Andrew Jarvis Drive. The City did not buy the property and now it is privately owned.

Mary Lou McElwain commented that they should make sure to effectively inform the neighborhood. Public Works Director Peter Rice responded that staff would do that. Jonathan Sandberg commented that they should be conscious of the broader community as well. People will have vested interest because their kids walk that street.

Public Works Director Peter Rice moved to schedule public input session to discuss intersection improvement project at Greenleaf Avenue and Lafayette Road, seconded by Jonathan Sandberg. On a unanimous roll call, motion passed 9-0.

C. Islington Creek resident parking program.

Eric Eby commented that they should have another neighborhood meeting to get public input on the proposed changes.

Public Works Peter Rice moved to schedule a public input neighborhood meeting on April 14, 6:30 PM, seconded by City Manager Karen Conard. On a unanimous roll call, motion passed 9-0.

VII. INFORMATIONAL:**A. Status of Chevrolet Avenue sidewalk, and traffic study.**

Eric Eby commented that the traffic study was underway, and they should be getting the draft of recommendations within the next week or two. There is an ongoing sidewalk project as well. Public Works Director Peter Rice commented that they received requests to extend the sidewalk on Chevrolet Avenue to Cass Street. The challenge before was that the City did not have all of the land rights. They have worked with property owners and recommended a land swap to enable this project to move forward. The land swap recommendations will be going to the Planning Board. They will make a decision and send their recommendation to the City Council. The project will probably be completed by the fall.

Harold Whitehouse questioned if they have evaluated adding another stop sign on Cass Street. Eric Eby responded that was part of the traffic study currently in progress by the consultant.

Chairman Peter Whelan commented that the sidewalk would be a good improvement.

B. Middle Street bike lane status update.

Eric Eby commented that they made changes to the section on Middle Street between Cabot Street and Lincoln Avenue. The bike lane was removed and parking was put back to the curb. The parking restrictions are back to what they were before, and signs will be installed. The handicap space is back in front of the chiropractor's office. Bollards will be installed, and the white lines will be repainted. The bollards will be put in at the big curve on Middle Street approaching Middle Road, the South Street bike boxes, and a couple other intersections to keep vehicles from encroaching on the corners. The speed limit on Middle Street has been reduced to 25 mph.

Harold Whitehouse questioned if they would need to return the money to the State with these changes. City Manager Karen Conard responded that they had a conversation with NHDOT that they are within the 6-month test period and would not be in jeopardy of repaying funds. The City needs to hire an engineer to do a study and come up with the safest design possible.

Mary Lou McElwain questioned if they were putting bollards in at Greenleaf Avenue. Eric Eby confirmed they would be installed at Greenleaf Avenue and Lafayette Road.

Jonathan Sandberg asked what set of criteria or benchmarks would be used to measure the safety success over the next 6 months. City Manager Conard responded that would be addressed by the engineer firm to be hired.

Chairman Peter Whelan commented that it would be helpful to include bike lane counts in the report for each meeting. Eric Eby confirmed he would include that data.

Steve Pesci questioned if that section was scheduled for resurfacing. Public Works Director Peter Rice responded that it needs to be done within the next 2 years.

Harold Whitehouse noted that he has received complaints that the bollards are hard to see at night and questioned if they could be painted with reflector paint. Public Works Director

Peter Rice responded that the bollard design meets federal standards. It would not be appropriate to paint them. Chairman Peter Whelan noted that most of them have reflective tape on them. Eric Eby added that they were making an effort to clean the bollards and make them as white as possible before they go out.

Mary Lou McElwain commented that the speed of cars seems to have increased since the bike lane was removed for that one portion. Seeing the data in that area would be important.

C. Islington Street construction update.

Eric Eby commented that work was underway between Albany Street and Dover Street. The one-way detour will go into effect next week. It will be one-way outbound on Islington Street from Cabot Street to Albany Street. The detour will be in effect 24/7 throughout the rest of the construction period. The detour will not run through Jewel Court this year. It will be on Albany Street instead.

D. Outside dining barricade setup, Congress Street loading/parking west of Fleet Street. Eric Eby showed the Committee a graphic of the parking area. A couple years ago the Committee voted to try to restripe Congress Street at Fleet Street to make a right turn only lane. The loading zone will allow parking in that section of Congress Street. It will be a loading zone during the day and then cars can park there outside of the loading zone times. There are barricades in front of the Thirsty Moose area and 15 min parking spaces. It made sense to make the right lane on Congress St. available for parking after the loading zone times. Signs will be posted. Most of the barricades are already up in the downtown area. Portsmouth is using a combination of plastic water filled barriers, blue jersey barriers, and metal fencing for the barricades.

Harold Whitehouse commented that the cement barriers looked good downtown. Eric Eby noted that there were reflector strips on the barricades, so they would show up at night.

Erika Wygonik commented that the City should be careful to enforce the no parking during the loading zone hours. That can be an issue. It is a good idea to share the space, but the parked cars should not cause problems when it is a loading zone. Eric Eby commented that the area will be striped to look like a loading zone, so it is not obvious there is parking there unless the user reads the sign.

Public Works Director Peter Rice questioned if the loading zone time needed to go all the way until 7 p.m. The City should research to see if that time can be changed to an earlier point in the day. Usually, most deliveries are done by 5 p.m. Public Works Director Peter Rice recommended that staff will review the data and adjust the times, if appropriate. Parking Director Ben Fletcher agreed. The City has 83 shared spaces. The plan is to use the new signage in other areas as well to let people know they can park in those spaces after hours. It will provide for more evening parking inventory.

Erika Wygonik agreed that it was good to collect data. Most cities have a window of 8 a.m. to 10 a.m. A loading zone that goes until 7 p.m. is rare. There is plenty of precedent to have a more restrictive window.

Chairman Peter Whelan agreed that most delivery trucks were back in the garage by 3 p.m. Public Works Director Peter Rice commented that they could reach out to the people

who receive deliveries to see when they usually get their deliveries as well. Chairman Peter Whelan questioned if they would have to change the hours by making a change to the ordinance. Parking Director Ben Fletcher responded that it was codified in the Ordinance, so any change would require 3 readings. Chairman Peter Whelan noted that they should get this item moving as quickly as possible.

E. Locations of speed feedback signs and pedestrian RRFBs.

Eric Eby showed the Committee a color-coded map that showed where all the RRFBs and the portable speed feedback signs were installed in the City. Chairman Peter Whelan commented that it would be nice to see this updated graphic at every meeting.

Mary Lou McElwain commented that she was concerned about moving the speed signs around. They are effective throughout the City. If staff asked neighbors about moving them, then they would hear objections. These should be kept in their locations permanently and they could add more in new locations as needed.

Harold Whitehouse agreed with Mary Lou McElwain. It makes sense to leave them where they are.

Public Works Director Peter Rice was supportive of adding more speed signs and they should be implemented based on available funds.

Chairman Peter Whelan commented that DPW should figure out how many speed signs were needed. It may make sense to have some that move around and some in a permanent location. Public Works Director Peter Rice confirmed they would put together a budget.

Steve Pesci agreed it was a worthwhile investment for safety. It would be good to see a priority list of proposed locations.

Chairman Peter Whelan commented that they did not need a motion for this, and he could put it on the City Council agenda.

F. Monthly accident report from Police Department.

Police Captain Darrin Sargent commented that the report goes back to February. They were still trending low in February. A lot of that was attributed to less cars on the road. In March, there was an uptick in accidents and DWI related accidents.

Jonathan Sandberg questioned if these were just reportable accidents or all of them. Police Captain Darrin Sargent responded that the number 49 represented all crashes. 32 were reportable.

G. PTS Open Action Items.

Chairman Peter Whelan questioned if they would be getting a report back on the Aldrich Road traffic calming measures. Eric Eby confirmed that was correct.

VIII. MISCELLANEOUS:**A. Foundry Garage lighting and distance concerns.**

Public Works Director Peter Rice commented that they did light measurements at the Foundry Garage in response to concerns from the Reopen Portsmouth Committee. They replaced the pedestrian lighting with higher wattage light bulbs. That resulted in a significant increase in lighting. Cobra head lights will also be added at Hanover Street and Deer Street. The crosswalks will be painted and an RRFB will be added at the Deer Street and Bridge Street intersection.

Harold Whitehouse commented that the residents of Hill Street complained about lighting when the Foundry Garage first opened, and questioned if this change would create an issue for them. Public Works Director Peter Rice commented that all of the lighting changes made were on the street level only. There was no change to the rest of the garage lighting.

Mary Lou McElwain commented that all winter the sidewalks around the garage were very icy. Sidewalk conditions are as important as the lighting, and they should be better maintained.

B. Holiday info on meters and kiosks.

Mary Lou McElwain commented that it was important that the meters and kiosks recognize free parking on holidays. It is not fair for people to pay on those days.

Harold Whitehouse questioned what the final decision was for the meter expiration. Chairman Peter Whelan responded that it went to City Council and will now be set on the agenda for 3 readings. The public will have an opportunity to comment. It could still be revised. Harold Whitehouse questioned if it was currently \$35. Chairman Peter Whelan confirmed that was correct. Harold Whitehouse questioned if they thought about giving a forgiveness letter for the first violation. Parking Director Ben Fletcher responded that as part of the appeal proceedings there is a one-time forgiveness policy. The forgiveness is not done automatically, but can be granted on an appeal.

Parking Director Ben Fletcher commented that the meter devices can be programmed to display something different on holidays. However, it does not work well especially with holidays that shift days. The company that operates the meters does not allow the City to change the messaging. It can take days and sometimes weeks to change the messaging. Enforcement does not take place on holidays. Meters are always in effect, but enforcement is not.

Jonathan Sandberg questioned if they could use paper leaflet or signs on the streets as notification. Parking Director Ben Fletcher responded that people would object to permanent signage advertising the holidays and leaflets would be a littering nightmare.

Public Works Director Peter Rice explained that there were a lot of things that staff needs to work on and there is an established program in place. This is how operations have been conducted for years with no issues. He appreciated the idea, but the department has other operational priorities to focus on at this time.

City Manager Karen Conard left meeting the meeting at 9:30 a.m. Erika Wygonik voted in her place for the remainder of the meeting.

Steve Pesci stated that there should be a sunset clause on some of the open action items listed on the report. Some of these items have been dormant for a long time. Steve Pesci also agreed with the public comments about electric vehicle charging stations. The City should be more proactive about planning for them in the future. A 3rd party company should be managing the sales, but Portsmouth should be more aggressive in their approach.

Harold Whitehouse commented that they should consider adding a stop sign at the intersection of Sheafe Street and Chapel Street.

Chairman Peter Whelan commented that they should discuss the public concerns about the Maplewood Avenue intersection changes. The flashing yellow light can be confusing.

Police Captain Darrin Sargent offered his personal opinion that allowing pedestrians to cross and vehicular traffic to go at the same time was problematic.

Public Works Director Peter Rice commented that the request to make Washington Street one-way will be reviewed by Eric Eby to determine if it's appropriate. They have the authority at this point to initiate that without having to come back to the Committee. It can be done more expeditiously if they move forward with it and report back. One concern about making Atkinson Street a one-way is that a lot of people use that to access the bridge.

IX. ADJOURNMENT:

Harold Whitehouse moved to adjourn the meeting at 9:40 a.m., seconded by Mary Lou McElwain. **On a unanimous roll call, motion passed 9-0.**

Respectfully submitted by:
Becky Frey
PTS Recording Secretary

DATE: APRIL 28, 2021

TO: CITY CLERK KELLI BARNABY
MAYOR BECKSTED
CITY MANAGER CONARD

FROM: COUNCILOR HUDA

SUBJECT: MAY 3, 2021 CITY COUNCIL MEETING AGENDA REQUEST (ZOOM MEETING)
PLEASE PUT THIS UNDER MY NAME. THANK YOU

I MAKE A MOTION FOR A REPORT BACK FROM THE CITY MANAGER TO THE RESIDENTS & THE CITY COUNCIL ON THE FOLLOWING QUESTIONS ON THE MARCH 2021 MONTHLY REPORT

- 1) ON PAGE 4)
GENERAL GOVERNMENT
OVERTIME IS AT 127% OF BUDGET -(AT 75% OF THE FISCAL YEAR)
PLEASE IDENTIFY WHICH DEPARTMENTS THIS IS IN & WHY?

ON PAGE 5)
IF THIS CAPPED AT \$2,412,305, WHY IS THIS OVERAGE SHOWING HERE IN GENERAL FUND AFTER REVENUE CAP REACHED ?
(ESTIMATED REVENUES THAT ARE TRANSFERRED TO THE GENERAL FUND FOR THE FULL YEAR ARE \$2,412,305
YTD RECEIVED IS \$2,726,634 OR 113%)

ON PAGE 6)
WHY ARE THERE 14 CATEGORIES OVER 100% OF ESTIMATED REVENUES WHEN WE ARE ONLY 75% THRU FY21?
(SAME CATEGORIES AS MARCH 2020) WHY DOES THIS KEEP HAPPENING?

ON PAGE 7)
PLEASE CORRECT THE FOLLOWING % ERRORS
MUNICIPAL AID EST \$205,234 YTD REC \$194,479 95%
USE OF FUND BALANCE EST \$150,000 YTD REC \$150,000 100%

- 2) WHAT IS THE BALANCE OF THE CASH & SHORT TERM INVESTMENTS AT APRIL 30, 2021

State of New Hampshire

ROBERT L. QUINN
COMMISSIONER OF SAFETY



RICHARD C. BAILEY, JR.
EDDIE EDWARDS
ASSISTANT COMMISSIONERS

DEPARTMENT OF SAFETY

James H. Hayes Safety Building, 33 Hazen Drive, Concord, NH 03305
Tel: (603) 223-3889
Speech/Hearing Impaired
TDD Access Relay NH 1-800-735-2964

April 12, 2021

To: Captain Mike Maloney, Seacoast Emergency Response Team

From: Pamela Urban-Morin, Grants Administrator – Grants Management Bureau

Re: 2020 Homeland Security Grant Program - Night Vision Equipment

Amount of Award: \$15,392.26

Congratulations! Attached is the award package for the above referenced grant.

Please review the award documents and sign where appropriate. There are 10 attachments which are outlined below.

Please carefully review the grant Terms and Conditions. Many Special Conditions must be fulfilled before you can proceed. Portsmouth Police Department is the assumed Fiscal agent and Program Manager for this grant.

We also will update Fiscal and program management and Agency contacts at that time. Please be sure the most current contacts are those who are listed and sign these grant award documents as they are authorized to do. Please note we are including a summary of who can legally sign these grant documents, which are equivalent to a contact. If you have questions, please contact my office at any time.

REMINDER: DO NOT Undertake ANY activities related to your application for night vision equipment at this time. Any work outside of the official grant performance period CANNOT be reimbursed. Work completed before the final execution of the grant documents is also prohibited. Once you review the grant award documents, sign them, and return them to my office. You will then be given an official "OK to proceed" in writing from my office via EMAIL. Several of the SPECIAL CONDITIONS MUST BE FULFILLED BEFORE ANY GRANT WORK CAN BEGIN. Please note federal procurement processes must be followed. See attachment #6 and #7 for guidance. However, bids cannot be posted until you have an OK to Proceed.

Here is a list of the attachments. Signatures and or initials are needed on #s: 1, 2, 3, 4, 5, and 10. Numbers 6, 7, 8 and 9 are for reference.

1. FFATA Form
2. Local Special Conditions
3. Terms and Conditions
4. Lobbying Assurance 424b
5. Acceptance of Audit Requirements
6. Procurement Method \$0 to \$10,000
7. Procurement Method \$10,001 to \$250,000
8. Sole Source procurement
9. List of Items to be Purchased
10. Grant Application

We are looking forward to working together on this program with you! Please return these signed documents within 30 days.

Best regards,

A handwritten signature in cursive script that reads "Pam Urban-Morin".

Pamela Urban-Morin
Grants Administrator
Phone 603-271-7663

Karen Senecal

From: Urban-Morin, Pamela <Pamela.S.Urban-Morin@DOS.NH.GOV>
Sent: Wednesday, April 14, 2021 9:11 AM
To: Karen Senecal; Bresnahan, Janice
Cc: Mike Maloney
Subject: RE: 2020 Homeland Security Grant Award Docs - Night Vision Equipment

Hi Karen- The SERT team is regional to be eligible for funding a Local municipal agency has to be the sponsor and Fiscal agent for the regional team. Portsmouth PD is doing this. Any other agency could who is a member of SERT but Portsmouth typically volunteers for this role. The SERT team is the actual awardee thus this is addressed as it is. They further have to take responsibility for the inventory on behalf of the team. They then create an MOU that outlines the activation and maintenance plan regionally to handle the use and maintaining of this equipment. All membership signs this MOU.

We have been doing this in this manner since Homeland began for the regional teams so they can avail themselves of equipment purchases.

You are holding your PRE and ONLY documents. The grant award documents are in there as well as the application . Trying to condense steps on this. We are trying to move these along as these are 2020 funds which were set aside funds – not competitive. Staffing made these last in line to get out the door so here we are.

Yes – this is a regular grant – it will have quarterly reports going forward. I think these reports should be addressed to Mike as the SERT team POC and and link to the Portsmouth PD who is the sponsor of this grant and he can pass them to you.

Re your last paragraph of the City side of the process... I cannot comment on that other than to repeat what I noted above that technically this equipment award is for SERT and their membership but to be eligible to pursue these funds there needs to be a municipal eligible entity per the HSGP eligibility requirements. A nonprofit group stand alone cannot be eligible for these funds directly. See [FY 2005 Homeland Security Grant Program \(nh.gov\)](#). The first FAQ outlines the eligibility per the Federal Law.

Give me a call if you have any other questions.

Thanks
Pam

Pam Urban-Morin
Grants Administrator-Commissioner's Office
NH Department of Safety
TEL: 603/271-7033
FAX: 603/271-7660
E-MAIL: <mailto:Pamela.Urban-Morin@dos.nh.gov>

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please immediately notify me by telephone at 603/271-7033. You will be reimbursed for reasonable costs incurred in notifying us.

**FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT
SUB-RECIPIENT INFORMATION REPORTING FORM**

(It is recommended this form be completed by your grant administrator or chief financial officer.)

Section I **MUST** be completed by applicants seeking federal funding assistance from the Homeland Security Grant.

SECTION I. AGENCY/INSTITUTION NAME & ADDRESS

Name:

Address:

City:

State:

Zip Code: _____ - _____

(9 digits required)

Sub-Recipient DUNS Number:

Sub-Recipient MPIN Number (CCR Registration Number): Completed: _____ Yes _____ No

Section II **MUST** be completed if this application seeks federal funds totaling \$25,000.00 or more.

**SECTION II. SUB-RECIPIENT REVENUE INFORMATION
(Preceding Fiscal Year)**

Sub-Recipients Annual Gross Revenues Exceeded 80 percent or more in Federal Awards	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Sub-Recipients Annual Gross Revenues Equal or Exceed \$25,000,000.00. in Federal Awards	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Sub-Recipient's 5 Most Highly Compensated Officers	Officer Names	Officer Compensation
	1.	
	2.	
	3.	
	4.	
5.		

Comments

PREPARED BY:		DATE:
Name:		
Title:		
Telephone:	Email:	

Instructions for Completing Sub-Recipient Information Reporting Form

Agency/Institution Name & Address

- Please give the name and address for the agency or institution receiving the federal funding
- Do not give a name and address of an individual's name working at the agency or institution

Sub-Recipient DUNS Number

- The DUNS number is a unique nine-character number that identifies your organization. It is a tool of the federal government to track how federal money is distributed. Most large organizations, libraries, colleges and research universities already have DUNS numbers. Ask your grant administrator or chief financial officer to provide your organization's DUNS number.
- If your organization does not have a DUNS number, use the Dun & Bradstreet (D&B) online registration to receive one free of charge: <http://fedgov.dnb.com/webform>
- For more information on DUNS numbers, please visit the federal government's grant administration website: http://www.grants.gov/applicants/org_step1.jsp

Sub-Recipient MPIN/CCR Number (not required)

- The Central Contractor Registration (CCR) is a web-enabled government-wide application that collects, validates, stores and disseminates business information about the federal government's trading partners in support of the contract award, grants, and the electronic payment process.

Sub-Recipient Annual Gross Revenues Exceed 80 Percent or more in Federal Awards

- Please check "yes" if, in the preceding fiscal year, your agency or institution received 80 percent or more of its annual gross revenues in federal awards.
- Please check "no" if, in the preceding fiscal year, your agency or institution did not receive 80 percent or more of its annual gross revenues in federal awards.

Sub-Recipient Annual Gross Revenues Equal or Exceed \$25,000,000. in Federal Awards

- Please check "yes" if, in the preceding fiscal year, your agency's or institution's annual gross revenues equaled or exceeded \$25,000,000 in federal funds.
- Please check "no" if, in the preceding fiscal year, your agency's or institution's annual gross revenues did not equal or exceed \$25,000,000 in federal awards.

Sub-Recipient Highly Compensated Officers

- If you checked "no" in the two boxes above, then this information is not required.
- If you checked "yes" in the two boxes above, and if the public does not have access to this information through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. Section 78m(a), 780(d)), or Section 6104 of the Internal Revenue Code of 1986, then please list the names and compensation amounts of the five (5) most highly compensated employees within your agency or institution.

Comments

- This is not a required field. Please feel free to add any comments you feel are necessary to fully explain your answers in the above fields.

SPECIAL CONDITIONS – FFY 2020

SUBGRANTEE: Seacoast ERT/Portsmouth Police Dept. GRANT AWARD AMOUNT: \$15,392.26

GRANT TITLE: Night Vision Equipment GRANT AWARD DATE: 4/12/21

GRANT PROGRAM: LETPA CFDA#: 97.067

DHS Grant Award Number: Grant Award: EMW-2020-SS-00045-S01

ALL SPECIAL CONDITIONS MUST BE RESPONDED TO ***WITHIN THIRTY (30) DAYS*** FROM THE AWARD DATE AND PRIOR TO DISBURSEMENT OF FUNDS UNLESS OTHERWISE SPECIFIED. **THESE GRANT FUNDS EXPIRE ON August 31, 2023**. Accordingly per DHS/FEMA- Office of Financial & Grants Management guide: page 21: The award period is the period of time when Federal funding is available for obligation by the recipient. The recipient may charge to the grant only allowable costs resulting from the obligations incurred during the funding period... Any funds not properly obligated by the recipient within the grant award period will lapse and revert back to DOS or DHS/FEMA...The obligation period is the same as the award period listed on the award document.

BY SIGNING THIS FORM YOU AGREE TO THE CONDITIONS OF THIS GRANT.

* * * * *

1. Please note the following special conditions for your grant award:
 - a. Indicate which of the following is true regarding the project funded with these Homeland Security dollars by circling the correct selection (circle only one).
 - i. Sustaining or maintaining a capability acquired with federal homeland security funding;
 - ii. Sustaining or maintaining a capability acquired without federal homeland security funding; or
 - iii. Developing or acquiring a new core capability.
 - b. Per 2020 Grant Guidance, please provide your DUNS number here: _____
 - c. A completed application **MUST** be submitted and signed at the time the award documents are returned.
 - d. ***The following must be submitted in order for you to be considered for an award:***
 - e. No purchase of this equipment can be made until the grantee provides the following:
 - i. MOU's from all Seacoast Regional Emergency Response Team member communities (must be submitted prior to reimbursement)
 - ii. Bid documentation or sole source documentation to submit to GMU (to comply with 2 CFR 200.317-326) – See b. herein
 - iii. Please supply the operations/activation plan for this equipment so all team membership is able have access to these units.
 - iv. A plan must be submitted to include the long-term maintenance plan for the equipment.
 - v. Regional Teams, not affiliated with a single municipality, **must submit the most recent meeting minutes showing the election of officers.**
 - f. Per 2 CFR 208 and Subpart D, the organization must submit its most recent audit to be subject to a risk assessment testing for fiscal practices and capabilities. This must be submitted within 30 days of the date of this award and may necessitate the addition of more special conditions to this award accordance with the results of the standard risk assessment review. This grant is not VALID until the risk assessment is completed successfully.
 - g. Procurement procedures per 2 CFR 200 must be followed and documentation attached must be submitted to DOS-GMU prior to any purchase as outlined.
 - h. All federal per diem rates must be adhered to for any travel, mileage or training associated with this grant, if applicable. Detailed receipts are required.
 - i. *John S. McCain National Defense Authorization Act for Fiscal Year 2019 (FY 2019 NDAA)*, Pub. L. No. 115-232 (2018). Beginning August 13, 2020, the statute—as it applies to FEMA recipients, subrecipients, and their contractors and subcontractors—prohibits obligating or expending federal award funds on certain telecommunications products and contracting with certain entities for national security reasons. FEMA will issue additional guidance in a forthcoming Interim Policy. **Definitions** Per section 889(f)(2)-(3) of the FY 2019 NDAA, covered telecommunications equipment or services means:

- i. Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities);
- ii. For the purpose of public safety, security of Government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);
- iii. Telecommunications or video surveillance services provided by such entities or using such equipment; or
- iv. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the People's Republic of China

2. **Project Implementation:** The subrecipient agrees to implement this project within 90 days following the grant award effective date or be subject to automatic cancellation of the grant.
3. For projects subject to EHP/NEPA, NO work can begin until EHP/NEPA approvals are granted. DOS-GMU will advise sub-recipient of the approval once received. DOS-GMU reserves the right to verify project start date. All projects must be completed at least 30 days prior to end of the grant period as specified on the Grant Special Conditions page. No work may be completed or be eligible for reimbursement if it occurs after the grant period end date.
4. All sub-grantees must comply with the Grant Terms and Conditions included with this award.
5. All sub-grantees must comply with the National Incident Management System (NIMS) minimum requirements as specified in the Fiscal Year 2020 Homeland Security Grant Program Guidelines. Additional information about achieving compliance is available through the training officers at the NH Department of Safety's Fire Academy and EMS Bureau and the Division of Homeland Security and Emergency Management.
6. All sub-grantees must comply and be familiar with Homeland Security Presidential Policy Directive-8, the National Preparedness System* (NPS) and the National Preparedness Goal (NPG). See: <http://www.dhs.gov/presidential-policy-directive-8-national-preparedness> .
7. It is recommended that all grant recipients modify their existing incident management and emergency operations plans in accordance with the National Response Plan's coordinating structures, processes, and protocols. http://www.dhs.gov/xlibrary/assets/NRP_Brochure.pdf
8. Recurring costs/fees are not allowable for funding under the 2020 Homeland Security Grant Program. Internet service fees, radio service fees, cellular phone fees, satellite phone fees, etc. paid for with grant funds are for 12 months during the year of equipment purchase only and cannot extend beyond the end date of the grant.

Signature of Authorized Official

Date

Signature of Program Manager/Contact

Date

Article I - Summary Description of Award

The purpose of the FY 2020 HSGP is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. The HSGP provides funding to implement investments that build, sustain, and deliver the 32 core capabilities essential to achieving the National Preparedness Goal of a secure and resilient Nation. Among the five basic homeland security missions noted in the DHS Quadrennial Homeland Security Review, HSGP supports the goal to Strengthen National Preparedness and Resilience. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization, or community, but rather, require the combined effort of the whole community. These grant programs fund a range of activities, including planning, organization, equipment purchase, training, exercises, and management and administration across all core capabilities and mission areas.

Article II - Acceptance of Post Award Changes

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award.

Article III - Prior Approval for Modification of Approved Budget

Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from DHS/FEMA where required by 2 C.F.R. Section 200.308. DHS/FEMA is also utilizing its discretion to impose an additional restriction under 2 C.F.R. Section 200.308(e) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the Federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved.

Article IV - Disposition of Equipment Acquired Under the Federal Award

When original or replacement equipment acquired under this award by the recipient or its sub-recipients is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from DHS/FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. Section 200.313.

Article V - Assurances, Administrative Requirements, Cost Principles, Representation and Certifications

DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances - Non-Construction Programs, or OMB Standard Form 424D Assurances - Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions.

DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200, and adopted by DHS at 2 C.F.R. Part 3002.

Article VI - DHS Specific Acknowledgements and Assurances

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS.
2. Recipients must give DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.

4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

5. Recipients of federal financial assistance from DHS must complete the *DHS Civil Rights Evaluation Tool* within thirty (30) days of receipt of the Notice of Award or, for State Administering Agencies, thirty (30) days from receipt of the DHS Civil Rights Evaluation Tool from DHS or its awarding component agency.

Recipients are required to provide this information once every two (2) years, not every time an award is made. After the initial submission for the first award under which this term applies, recipients are only required to submit updates every two years, not every time a grant is awarded. Recipients should submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions.

Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/sites/default/files/publications/dhs-civil-rights-evaluation-tool.pdf>

Article VII - Acknowledgement of Federal Funding from DHS

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

Article VIII - Activities Conducted Abroad

Recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

Article IX - Age Discrimination Act of 1975

Recipients must comply with the requirements of the *Age Discrimination Act of 1975*, Pub. L. No. 94-135 (1975) (codified as amended at Title 42, U.S. Code, section 6101 *et seq.*), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

Article X - Americans with Disabilities Act of 1990

Recipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. sections 12101-12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

Article XI - Best Practices for Collection and Use of Personally Identifiable Information (PII)

Recipients who collect PII are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.

Article XII - Civil Rights Act of 1964 - Title VI

Recipients must comply with the requirements of Title VI of the *Civil Rights Act of 1964* (codified as amended at 42 U.S.C. section 2000d *et seq.*), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

Article XIII - Civil Rights Act of 1968

Recipients must comply with Title VIII of the *Civil Rights Act of 1968*, Pub. L. No. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. section 3601 *et seq.*), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units- i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)- be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

Article XIV - Copyright

Recipients must affix the applicable copyright notices of 17 U.S.C. sections 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

Article XV - Debarment and Suspension

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3000. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

Article XVI - Drug-Free Workplace Regulations

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of sec. 5152-5158 of the *Drug-Free Workplace Act of 1988* (41 U.S.C. sections 8101-8106).

Article XVII - Duplication of Benefits

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

Article XVIII - Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX

Recipients must comply with the requirements of Title IX of the *Education Amendments of 1972*, Pub. L. No. 92-318 (1972) (codified as amended at 20 U.S.C. section 1681 *et seq.*), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19

Article XIX - Energy Policy and Conservation Act

Recipients must comply with the requirements of the *Energy Policy and Conservation Act*, Pub. L. No. 94- 163 (1975) (codified as amended at 42 U.S.C. section 6201 *et seq.*), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

Article XX - False Claims Act and Program Fraud Civil Remedies

Recipients must comply with the requirements of the *False Claims Act*, 31 U.S.C. sections 3729-3733, which prohibits the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. sections 3801-3812, which details the administrative remedies for false claims and statements made.)

Article XXI - Federal Debt Status

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)

Article XXII - Federal Leadership on Reducing Text Messaging while Driving Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.

Article XXIII - Fly America Act of 1974

Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. section 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974*, 49 U.S.C. section 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

Article XXIV - Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, 15 U.S.C. section 2225a, recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with

federal funds complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, codified as amended at 15 U.S.C. section 2225.

Article XXV - Limited English Proficiency (Civil Rights Act of 1964, Title VI)

Recipients must comply with the *Title VI of the Civil Rights Act of 1964* (42 U.S.C. section 2000d *et seq.*) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance:

<https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

Article XXVI - Lobbying Prohibitions

Recipients must comply with 31 U.S.C. section 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt 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 any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

Article XXVII - National Environmental Policy Act

Recipients must comply with the requirements of the *National Environmental Policy Act of 1969*, Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. section 4321 *et seq.*) (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

Article XXVIII - Nondiscrimination in Matters Pertaining to Faith-Based Organizations

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

Article XXIX - Non-Supplanting Requirement

Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

Article XXX - Notice of Funding Opportunity Requirements

All of the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.

Article XXXI - Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the *Bayh-Dole Act*, 35 U.S.C. section 200 *et seq.* Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. section 401.14.

Article XXXII - Procurement of Recovered Materials

States, political subdivisions of states, and their contractors must comply with Section 6002 of the *Solid Waste Disposal Act*, Pub. L. No. 89-272 (1965) (codified as amended by the *Resource Conservation and Recovery Act*, 42 U.S.C. section 6962. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

Article XXXIII - Rehabilitation Act of 1973

Recipients must comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, Pub. L. No. 93-112 (1973) (codified as amended at 29 U.S.C. section 794), which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from

participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Article XXXIV - Reporting of Matters Related to Recipient Integrity and Performance

If the total value of any currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

Article XXXV - Reporting Subawards and Executive Compensation

Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

Article XXXVI - SAFECOM

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

Article XXXVII - Terrorist Financing

Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

Article XXXVIII - Trafficking Victims Protection Act of 2000

Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106(g) of the *Trafficking Victims Protection Act of 2000* (TVPA), codified as amended at 22 U.S.C. Section 7104. The award term is located at 2 C.F.R. Section 175.15, the full text of which is incorporated here by reference.

Article XXXIX - Universal Identifier and System for Award Management

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

Article XL - USA Patriot Act of 2001

Recipients must comply with requirements of Section 817 of the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001* (USA PATRIOT Act), which amends 18 U.S.C. sections 175-175c.

Article XLI - Use of DHS Seal, Logo and Flags

Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

Article XLII - Whistleblower Protection Act

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C section 2409, 41 U.S.C. section 4712, and 10 U.S.C. section 2324, 41 U.S.C. sections 4304 and 4310.

Article XLIII - Environmental Planning and Historic Preservation

DHS/FEMA funded activities that may require an EHP review are subject to FEMA's Environmental Planning and Historic Preservation (EHP) review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state, and local laws. Failure to obtain all appropriate federal, state, and local environmental permits and clearances may jeopardize federal funding. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/ FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders. To access the FEMA's EHP screening form and instructions, go to the DHS/FEMA website at:

<https://www.fema.gov/media-library/assets/documents/90195>. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs

Fiscal Year 2020: DHS Standard Terms and Conditions- Homeland Security Grant Program

Directorate (GPD) along with all other pertinent project information. Failure to provide requisite information could result in delays in the release of grant funds. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered, applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

Article XLIV - Operation Stonegarden Program Hold

The recipient is prohibited from drawing down OPSG funding under this award or reimbursing OPSG subrecipients of this award until each unique, specific, or modified county level, tribal, or equivalent Operations Order or Fragmentary Order (Frago) has been reviewed by FEMA/GPD and Customs and Border Protection/United States Border Patrol (CBP/USBP). The recipient will receive the official notification of approval from FEMA/GPD.

NH Department of Safety HSGP Special Grant Terms and Conditions 2020

NOTE: The grant terms and conditions must be submitted with the grant acceptance

1. **Allowable Costs:** The allowability of costs incurred under any grant shall be determined in accordance with the general principles of allowability and standards for selected cost items as set forth in the applicable 2 CFR 200 and the FFY 2020 U.S. Department of Homeland Security, Grant Program Guidance and Application Kit. The applicant assures that it will comply and all its subrecipients and contractors will comply, with the applicable provisions of the U.S. Department of Homeland Security, FFY 2020 Homeland Security Grant Program Guidance and Application Kit, and all other applicable federal laws, orders, circulars or regulations.
2. **Freedom of Information Act (FOIA):** FEMA recognizes that much of the information submitted in the course of applying for funding under this program or provided in the course of its grant management activities may be considered law enforcement sensitive or otherwise important to national security interests. While this information under Federal control is subject to requests made pursuant to the Freedom of Information Act (FOIA), 5. U.S.C. §552, all determinations concerning the release of information of this nature are made on a case-by-case basis by the FEMA FOIA Office, and may likely fall within one or more of the available exemptions under the Act. The applicant is encouraged to consult its own State and local laws and regulations regarding the release of information, which should be considered when reporting sensitive matters in the grant application, needs assessment and strategic planning process. The applicant may also consult FEMA regarding concerns or questions about the release of information under State and local laws. The grantee should be familiar with the regulations governing Sensitive Security Information (49 CFR Part 1520), as it may provide additional protection to certain classes of homeland security information.
3. **Availability of Federal Funds:** This grant award is contingent upon availability of federal funds approved by Congress.
4. **Bidding Requirements:** The subrecipient must comply with proper competitive bidding procedures 2 CFR 200.317-326. On any items, including those bids in the aggregate, whose total cost is less than \$5,000, the bids do not have to be submitted to the DOS for review and approval; but adequate documentation must be maintained in the subrecipient's files. On any items, including those bids in the aggregate, whose total cost is \$5,000 or more, bids must be submitted to DOS, if requested.
 - a. **Buy American Act:** In general, grantees are not required to comport with the restrictions of the Buy American Act (41 U.S.C. 10a) However, grants authorized under the Stafford Act, including EMPG program, must follow these standards. The Buy American Act requires that all materials purchased be produced in the United States, unless such materials are not available, or such purchases would not be in the public interest
5. **Bonding:** It is strongly recommended that all officials identified on this grant who have authority to obligate, expend or approve expenditures be bonded for an amount no less than the total amount of the grant.
6. **Closed-Captioning of Public Service Announcements:** Any television public service announcement that is produced or funded in whole or in part by any agency or instrumentality of

- the federal government shall include closed captioning of the verbal content of such announcement.
7. **Compliance Agreement:** The subrecipient agrees to abide by all Terms and Conditions including "Special Conditions" placed upon the grant award by DOS. Failure to comply could result in a "Stop Payment" being placed on the grant.
8. **Conflict Of Interest:** Per 2 CFR 200 Recipients and subrecipients must disclose in writing to FEMA or its pass through entity, any potential conflict of interest in the Federal award's lifecycle. Personnel and other officials connected with this grant shall refer to the advice below but insure that a local policy is in place to comply generalized paraphrased policy sample herein and given below:
- Advice.* No official or employee of a state or unit of local government or of non-government grantees/subrecipients shall participate personally through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, grant, cooperative agreement, claim, controversy, or other particular matter in which these funds are used, where to his knowledge he or his immediate family, partners, organization other than a public agency in which he is serving as officer, director, trustee, partner, or employee or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest.
- Appearance.* In the use of these grant funds, officials or employees of state or local units of government and non-governmental grantees/subrecipients shall avoid any action which might result in, or create the appearance of the following:
- Using his or her official position for private gain;
 - Giving preferential treatment to any person;
 - Losing complete independence or impartiality;
 - Making an official decision outside official channels; and/or
 - Adversely affecting the confidence of the public in the integrity of the government or the program.
- Recipients and subrecipients must disclose, in a timely manner and in writing to FEMA or the pass-through entity, all violations of Federal criminal law involving fraud, bribery, or gratuity potentially affecting the Federal award.
9. **Consultants:** Billings for consultants who are individuals must include at a minimum: a description of services; dates of services; number of hours for services performed; rate charged for services; and, the total cost of services performed. Individual consultant costs must be within the prevailing rates, **not to exceed the maximum of \$650.00 per day. Permission for costs that exceed \$650 per day in total will need to be granted by DOS who must seek approval for DHS/FEMA for an increased rate.**
10. **Continuation:** The applicant agrees that if the requested project is funded continuation is not guaranteed.
11. **Contract Requirements:** The applicant agrees that no contract or agreement may be entered into by the subrecipient for execution of project activities or provision for services to a sub grant project (other than the purchase of supplies or standard commercial or maintenance services) which is not incorporated in the approved application. Any such arrangements will provide that the subrecipient will retain ultimate control and responsibility for the project and that the contractor will be bound by these conditions as well as the subrecipient.
12. **Construction Projects:** HSGP Program is effectively considered a non-construction program. However, subrecipients using funds for ancillary construction projects/work must comply with the *Davis-Bacon Act* (40 U.S.C. 3141 et seq.). Grant recipients must ensure that their contractors or subcontractors for construction projects pay workers employed directly at the work-site no less than the prevailing wages and fringe benefits paid on projects of a similar character. Additional information, including Department of Labor (DOL) wage determination, is available from the following website: <http://www.wdol.gov>.

Fiscal Year 2020: DHS Standard Terms and Conditions- Homeland Security Grant Program

13. **Data Collection:** The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this agreement.
14. **Deobligation of Grant Funds:** All grants must be deobligated at the end of the end of the grant period. Failure to deobligate the grant in a timely manner will result in an automatic deobligation of the grant by DOS.
15. **Disclosure of Federal Participation:** In compliance with Section 623 of Public Law 102-141, the subrecipient agrees that no amount of this award shall be used to finance the acquisition of goods and services (including construction services) for the project unless the subrecipient agrees to the following:
 - Specifies in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) the amount of federal funds that will be used to finance the acquisition and
 - Expresses the amount announced pursuant to paragraph (a) as a percentage of the total cost of the planned acquisition.
The above requirements only apply to a procurement for goods or services (including construction services) that has an aggregate value of \$500,000 or more.
16. **Equipment:** The subrecipient agrees that, when practicable, any equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by the U.S. Department of Homeland Security and the NH Department of Safety - Grants Management Unit." Additionally, when practicable, any equipment purchased with funding under this agreement shall bear on it the logos of the NH Department of Safety - Grants Management Unit and U.S. Department of Homeland Security.
17. **Financial Responsibility:** The financial responsibility of subrecipients must be such that the subrecipient can properly discharge the public trust which accompanies the authority to expend public funds. Adequate accounting systems should meet the following criteria:
 - Accounting records should provide information needed to adequately identify the receipt of funds under each grant awarded and the expenditure of funds for each grant;
 - Entries in accounting records should refer to subsidiary records and/or documentation which support the entry and which can be readily located;
 - The accounting system should provide accurate and current financial reporting information; and,
 - The accounting system should be integrated with an adequate system of internal controls to safeguard the funds and assets covered, check the accuracy and reliability of accounting data, promote operational efficiency and encourage adherence to prescribed management policies.
18. **Interest and Other Program Income:** The applicant agrees to be accountable for all interest or other income earned by the subrecipient with respect to sub grant funds or as a result of conduct of the project (sale of publications, registration fees, service charges, etc.) All program income generated by this grant during the project must be reported to DOS quarterly and must be put back into the project or be used to reduce the grantor participation in the program. The use or planned use of all program income must have prior written approval from DOS.
19. **Interoperable Equipment:** Grantee is responsible for all license requirements resulting from a potential grant. Equipment must meet DHS/FEMA recommended P-25 compatible standards
20. **Legal Action:** The subrecipient agrees that should the NH Department of Safety - Grants Management Unit determine that it needs to take legal action against the subrecipient for actions arising out of the grant, the subrecipient will waive jurisdiction and have the case heard in either state or federal court in Concord, New Hampshire.
21. **Obligation of Grant Funds:** Grant funds may not be obligated prior to the effective date of the approved grant application and without advance written approval by DOS. No obligations are allowed after the end of the grant period and the final request for payment must be submitted no later than 30 calendar days before the end of the grant period.

22. **Performance:** This grant may be terminated or fund payments discontinued by DOS where it finds a substantial failure to comply with the provisions of the legislation governing these funds or regulations promulgated, including those grant conditions or other obligations established by DOS. In the event the subrecipient fails to perform the services described herein and has previously received financial assistance from DOS, the subrecipient shall reimburse DOS the full amount of the payments made. However, if the services described herein are partially performed, and the subrecipient has previously received financial assistance, the subrecipient shall proportionally reimburse DOS for payments made.
23. **Property Control:** Effective control and accountability must be maintained for all personal property. Subrecipients must adequately safeguard all such property and must assure that it is used solely for authorized purposes. Subrecipients should exercise caution in the use, maintenance, protection and preservation of such property. Subrecipients agree to follow the terms of 2 CFR 200.317 – 200.326. In part this includes the following long term obligation management requirements. Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part with grant funds, until disposition takes place will, as a minimum, meet the following requirements:
- (1) Property records must be maintained that include a description of the property, a serial number or other identification number, the source of property, who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the cost of the property, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.
 - (2) A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
 - (3) A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft shall be investigated.
 - (4) Adequate maintenance procedures must be developed to keep the property in good condition.
 - (5) If the grantee or subrecipient is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.
- Disposition. Must be reported to Grants Management and completed in accordance with 2 CFR 200. In cases where a grantee or subrecipient fails to take appropriate disposition actions, the awarding agency may direct the grantee or subrecipient to take excess and disposition actions.
- Federal equipment. In the event a grantee or subrecipient is provided federally-owned equipment:
- (1) Title will remain vested in the Federal Government.
 - (2) Grantees or subrecipients will manage the equipment in accordance with Federal agency rules and procedures, and submit an annual inventory listing.
 - (3) When the equipment is no longer needed, the grantee or subrecipient will request disposition instructions from the Federal agency.
- Right to transfer title. The Federal awarding agency may reserve the right to transfer title to the Federal Government or a third part named by the awarding agency when such a third party is otherwise eligible under existing statutes. Such transfers shall be subject to the following standards:
- (1) The property shall be identified in the grant or otherwise made known to the grantee in writing.
 - (2) The Federal awarding agency shall issue disposition instruction within 120 calendar days after the end of the Federal support of the project for which it was acquired. If the Federal awarding agency fails to issue disposition instructions within the 120 calendar-day period the grantee shall follow 2 CFR 200.
 - (3) When title to equipment is transferred, the grantee shall be paid an amount calculated by applying the percentage of participation in the purchase to the current fair market value of the property.
- Right to transfer title. The Federal awarding agency may reserve the right to transfer title to the Federal Government or a third part named by the awarding agency when such a third party is otherwise eligible under existing statutes. Such transfers shall be subject to the following standards:
- (1) The property shall be identified in the grant or otherwise made known to the grantee in writing.
 - (2) The Federal awarding agency shall issue disposition instruction within 120 calendar days after

Fiscal Year 2020: DHS Standard Terms and Conditions- Homeland Security Grant Program

the end of the Federal support of the project for which it was acquired. If the Federal awarding agency fails to issue disposition instructions within the 120 calendar-day period the grantee shall follow 2 CFR 200

(3) When title to equipment is transferred, the grantee shall be paid an amount calculated by applying the percentage of participation in the purchase to the current fair market value of the property.

24. **Records:** The applicant will give the grantor agency or the DHS or the Office of the Inspector General, through any authorized representative, the access to and the right to examine all records, books, papers or documents related to the grant.
25. **Recording and Documentation of Receipts and Expenditures:** Subrecipient's accounting procedures must provide for accurate and timely recording of receipt of funds by source of expenditures made from such funds and unexpended balances. These records must contain information pertaining to grant awards, obligations, unobligated balances, assets, liabilities, expenditures and program income. Controls must be established which are adequate to ensure that expenditures charged to the sub grant activities are for allowable purposes. Additionally, effective control and accountability must be maintained for all grant cash, real and personal property and other assets. Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contract documents, grant award documents, etc.
26. **Reports:** The subrecipient shall submit, at such times and in such form as may be prescribed, such reports as DOS may reasonably require, including financial reports, progress reports, final financial reports and evaluation reports.
27. **Final and fiscal close-out Report:** The report is in addition to the cumulative progress reports and is also due 30 days after the end of the grant period.
28. **Retention of Records:** Records for non-expendable property purchased totally or partially with grantor funds must be retained for three years after its final disposition. All other pertinent grant records including financial records, supporting documents and statistical records shall be retained for a minimum of three years after the final expenditure report. However, if any litigation, claim or audit is started before the expiration of the three year period, then records must be retained for three years after the litigation, claim or audit is resolved. Re: Property records see as previously noted in this section: Subrecipients agree to follow the terms of 2 CFR 200.317 – 200.326.
29. **Suspension or Termination of Funding:** DOS may suspend, in whole or in part, and/or terminate funding for or impose another sanction on a subrecipient for any of the following reasons:
 - Failure to comply substantially with requirements or statutory objectives of the 2003 Omnibus Appropriations Act issued there under, or other provisions of Federal Law;
 - Failure to adhere to the requirements, standard conditions or special conditions;
 - Proposing or implementing substantial program changes to the extent that, if originally submitted, the application would not have been approved for funding;
 - Failure to submit reports;
 - Filing a false certification in this application or other report or document;
 - Other good cause shown.
30. **Utilization and Payment of Grant Funds:** Funds awarded are to be expended only for purposes and activities covered by the subrecipient's approved project plan and budget. Items must be in the subrecipient's approved grant budget in order to be eligible for reimbursement.
31. **Utilization of Minority Businesses:** Subrecipients are encouraged to utilize qualified minority firms where cost and performance of major contract work will not conflict with funding or time schedules.
32. **Written Approval of Changes:** Any mutually agreed upon changes to this sub grant must be approved, in writing, by DOS prior to implementation or obligation and shall be incorporated in written amendments to this grant. This procedure for changes to the approved sub grant is not

limited to budgetary changes, but also includes changes of substance in project activities and changes in the project director or key professional personnel identified in the approved application.

Reporting Requirement: Typing of Equipment and Training:

Ongoing HSGP Guidance, FOA, and NOFAs require that all where applicable grantees report equipment purchases and the typed capability the equipment supports (where such typing guidance exists); the number of people trained in a given capability to support a reported number of defined resource typed teams (e.g., 63 responders were trained in structural collapse to support 23 Type 2 USAR Teams); and the total number of a defined type of resource and capabilities built utilizing the resources of this grant. Grantees will specify the number of resources, capability supported, whether it is a NIMS or State/local typed resource, the cost, and whether the resource sustains current capabilities or adds new capabilities. The resources should be reported only after equipment is delivered or after training has occurred and the corresponding grant funds have been expended. GMU will advise further on format for reporting upon grant award.

As a condition of the receipt of these funds:

Funding may be suspended or terminated for filing a false certification in this application or other reports or document as part of this program.

Tracking of Equipment:

Upkeep, maintenance, and training of and for equipment procured as part of the Homeland Security grant program is a local and/or grantee responsibility. The inventory of this equipment is a local responsibility and the recipient of such understands that inspections, auditing, and inventory accounting of this equipment may occur as a condition of this grant either from Federal, State or other appropriate level agency and agent.

Equipment valued over \$5,000:

To comply with OMB 2 CFR 200 equipment valued at this level must inventoried and tracked locally and be reported to the State Department of Safety (DOS) – Grants Management Unit until the item carries a depreciated value of less than \$250. The disposition of the equipment must be reported. DOS recommends consulting with local auditor's compliance and disposition rules governing equipment procured with Federal funds.

Certification by Official Authorized to Sign

I certify that I understand and agree to comply with the general and fiscal provisions of this grant application including the terms and conditions; to comply with provisions of the regulations governing these funds and all other federal and state laws; that all information presented is correct; that there has been appropriate coordination with affected agencies; that I am duly authorized by the Applicant to perform the tasks of the Official Authorized to Sign as they relate to the requirements of this grant application; that costs incurred prior to Grantee approval may result in the expenditures being absorbed by the subrecipient; and, that the receipt of these grant funds through the Grantee will not supplant state or local funds. **CERTIFICATION: I CERTIFY THAT I AM DULY AUTHORIZED UNDER THE STATUTES OF THE STATE OF NH TO APPLY FOR, AUTHORIZE, OR ACCEPT THE HOMELAND SECURITY GRANT FUNDS / EQUIPMENT HEREIN. ***THE AUTHORIZING OFFICIAL MUST BE STATUTORILY ALLOWED TO SIGN A CONTRACT FOR THE MUNICIPALITY (i.e. Mayor, City Manager, Town Manager, Chairperson BOS, etc.) PER RSA 31:95b or RSA 37:6**

Non-Supplanting Certification: This certification, which is a required component of the New Hampshire application, affirms that federal Homeland Security grant funds will be used to **supplement** (add to) existing

Fiscal Year 2020: DHS Standard Terms and Conditions- Homeland Security Grant Program

funds, and will not **supplant** (replace) funds that have been locally appropriated for the same purpose. Potential supplanting will be addressed in the application review as well as in the pre-award review, post award monitoring, and the audit. DHS/FEMA I.B. 379 allows as well as FP-205-402-125-1 which apply to maintenance and sustainment of grant or in some cases non- grant acquired capabilities with specific definitions. Applicants and/or grantees will be/may be required to supply documentation certifying that a reduction in non-federal resources occurred for reasons OTHER than the receipt or expected receipt of federal Homeland Security grant funds. Supplanting funds is loosely defined (for these purposes) as using federal grant money to “replace” or “take the place of” existing local funding for equipment or programs. The funds are intended to provide local entities with **increased or in 2020 sustained capabilities** or to build capacity to address CBRNE/WMD terrorist incidents.

National Incident Management System (NIMS) Implementation Prior to allocation of any Federal preparedness awards in FY 2020, recipients must ensure and maintain adoption and implementation of NIMS. FEMA describes the specific activities involved in NIMS implementation in the NIMS Implementation Objectives (<https://www.fema.gov/implementation-guidance-and-reporting>). Incident management activities require carefully managed resources (personnel, teams, facilities, equipment and/or supplies). Utilization of the standardized resource management concepts such as typing, credentialing and inventorying promote a strong national mutual aid capability needed to support delivery of core capabilities. Recipients should manage resources purchased or supported with FEMA grant funding according to NIMS resource management guidance. Additional information on resource management and NIMS resource typing definitions and job titles/position qualifications is on DHS/FEMA’s website under <http://www.fema.gov/resource-management-mutual-aid>.

CERTIFICATION BY PROGRAM MANAGER/CONTACT*

I certify that: (1) I understand and agree to comply with the general and fiscal provisions of this grant application including the terms and conditions; (2) I understand and agree to comply with provisions of the regulations governing these funds and all other federal and state laws; (3) all information presented is correct; (4) there has been appropriate coordination with affected agencies; (5) I am duly authorized by the applicant to perform the tasks of Program Manager/Contact as they relate to the requirements of this grant application; (6) costs incurred prior to Grantee approval may result in the expenditures being absorbed by the sub-grantee; and, (7) the receipt of these grant funds through the Grantee will not supplant state or local funds.

Name: _____ Title: _____
Agency: _____ Mailing Address: _____
Phone Number: _____
Fax Number: _____ E-Mail Address: _____
Signature: _____

CERTIFICATION BY FINANCIAL OFFICER*

I certify that: (1) I understand and agree to comply with the general and fiscal provisions of this grant application including the terms and conditions; (2) I understand and agree to comply with provisions of the regulations governing these funds and all other federal and state laws; (3) all information presented is correct; (4) there has been appropriate coordination with affected agencies; (5) I am duly authorized by the applicant to perform the tasks of Financial Officer as they relate to the requirements of this grant application; (6) costs incurred prior to Grantee approval may result in the expenditures being absorbed by the sub-grantee; and, (7) the receipt of these grant funds through the Grantee will not supplant state or local funds.

Name: _____ Title: _____
Agency: _____ Mailing Address: _____
Phone Number: _____
Fax Number: _____ E-Mail Address: _____
Signature: _____

CERTIFICATION BY AUTHORIZED OFFICIAL*

I certify that: (1) I understand and agree to comply with the general and fiscal provisions of this grant application including the terms and conditions; (2) I understand and agree to comply with provisions of the regulations governing these funds and all other federal and state laws; (3) all information presented is correct; (4) there has been appropriate coordination with affected agencies; (5) I am duly authorized by the applicant to perform the tasks of Authorized Official as they relate to the requirements of this grant application; (6) costs incurred prior to Grantee approval may result in the expenditures being absorbed by the sub-grantee; and, (7) the receipt of these grant funds through the Grantee will not supplant state or local funds.

Name: _____ Title: _____

Agency: _____ Mailing Address: _____

Phone Number: _____

Fax Number: _____ E-Mail Address: _____

Signature: _____
Authorized Official (Per NH RSA 31:95b or RSA 37:6)

***NOTE: THE PROJECT DIRECTOR, FINANCIAL OFFICER AND AUTHORIZED OFFICIAL CANNOT BE THE SAME PERSON.**

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE
APPLICANT ORGANIZATION 	DATE SUBMITTED

**ACCEPTANCE OF AUDIT REQUIREMENTS
FFY 2020 Homeland Security Grant Program**

We agree to have an audit conducted in compliance with OMB Uniform Guidance 2 CFR 200, if applicable. If a compliance audit is not required, at the end of each audit period we will certify in writing that we have not expended the amount of federal funds that would require a compliance audit (\$750,000). If a State Agency: Non-Federal entities that expend \$750,000 or more in federal funds (from all sources including pass-through sub awards) in the organizational fiscal year shall have a single organization-wide audit conducted in accordance with the provisions of if applicable to your State Agency in accordance with 2 CFR 200 F and the State CAFR. If required, we will forward for review and clearance a copy of the completed audit(s) to the following:

NH Department of Safety
Office of the Commissioner
Grants Management Unit
33 Hazen Drive
Concord, NH 03305

The following is information on the next organization-wide audit that will include this agency:

1. *Audit Period
(Organization's fiscal or calendar year to be audited)

Beginning: _____ Ending: _____
date date

2. Audit will be submitted to NH DOS Grants Management Unit by:
(Date must be no later than the ninth month after the end of the audit period)

Date: _____

Additionally, we have or will notify our auditor of the above audit requirements prior to performance of the audit for the period listed above. We will also ensure that, if required, the entire grant period will be covered by a compliance audit which in some cases will mean more than one audit must be submitted. We will advise the auditor to cite specifically that the audit was done in accordance with OMB Uniform Guidance 2 CFR 200.

NH DOS Grants Management Unit will furnish any information regarding the OMB Uniform Guidance 2 CFR 200 audit requirements, upon request.

FAILURE TO COMPLETE THIS FORM WILL RESULT IN YOUR GRANT AWARD BEING DELAYED AND/OR CANCELLED.

Signatures: Dated _____

Program Director

Financial Officer

Authorized Official
(per RSA 31:95b or RSA 37:6)

Print Name

Print Name

Print Name

Procurement Method Report \$0.00-\$10,000

Use this form for Procurements (purchases/orders) in the amount of \$0.00-\$10,000.

Subawardee shall accomplish **three (3)** requirements with this form: (1) identification of procurement method, (2) SAMS check, and (3) certification signature. (Project Manager's signature is adequate certification that competition was done, and that the Subawardee is complying with the most stringent procurement procedures.)

Choose one procurement method: **Federal** **State** **Local**

Reminder: Procurements must be conducted applying the most stringent of applicable procurement requirements (whether federal, state or local). Jurisdictions must adhere to their local requirements for all procurements if they are more stringent than those listed below.

Subawardee: _____

Grant Award: _____

Procurement Method (per each Purchase/Order)

This may include multiple invoices for each purchase or order.

\$0.00 - \$10,000.00		
Provide (3) Vendor contacts with Bid Amounts given. Identify selected vendor by placing and "✓" in the box on the left side of the table adjacent to Vendor's Name.		
<input type="checkbox"/>	Vendors Name:	Bid Amount:
<input type="checkbox"/>	Vendors Name:	Bid Amount:
<input type="checkbox"/>	Vendors Name:	Bid Amount:
Justification for Vendor Selection. Please <u>attach</u> any written supporting documents providing justification for vendor selection.		

System for Award Management (SAMS) report is required for selected vendor

	SAMS Report is a Mandatory Subawardee Action
<input type="checkbox"/>	1. Check System for Award Management (SAM) for debarment/suspension.
<input type="checkbox"/>	2. Print SAMS report page and attach to this form.

Certification

I certify the above information is true and accurate. Documents related to this procurement are on file and available upon request.

Subawardee Project Manager's Signature

Date

Printed Name and Title

Guidance for Procurement Method *(For reference purposes only)*

\$0.00 - \$10,000.00

Subawardee Guidance:

Use reasonable and adequate procedures that ensure fairness to potential bidders and competition commensurate with the circumstances of the procurement considering price, mission requirements, and available competition.

Procurement Method:

Self-assurance and adequate (3) competition must be documented for jurisdiction's grant files and available upon request.

Select the low quote or most advantageous proposal.

Justification:

Must explain why vendor was chosen by completing Justification block must be filled out explain why vendor was chosen.

Award:

Award based on reasonable and adequate procedures.

Regulations: Code of Federal Regulations, State/Local Procurement Rules

2 C.F.R. § 200.320(a), Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (currently set at \$10,000). May be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable. To the extent practicable, micro-purchases should be distributed equitably among qualified suppliers.

Grant Programs Directorate Information Bulletin No. 434 – Increases and Changes to the Micro-Purchase and Simplified Acquisition Thresholds : Guidance

A. Increases to Micro-Purchase and Simplified Acquisition Thresholds, Effective June 20, 2018. OMB increased the micro-purchase threshold from \$3,500 to \$10,000 and increased the simplified acquisition threshold from \$150,000 to \$250,000. These increases apply to all recipient and subrecipient activities tied to one of these thresholds per the Uniform Guidance, such as procurements or budget approval requests, executed on or after June 20, 2018 for all open financial assistance awards.

B. Increase to Micro-Purchase Threshold and Waivers for Institutions of Higher Education or Related Nonprofit Entities, Effective December 23, 2016.

I. The micro-purchase threshold has been raised from \$3,500 to \$10,000, effective December 23, 2016, only for the following types of recipients or subrecipients: institutions of higher education, or related or affiliated nonprofit entities, nonprofit research organizations or independent research institutions (institutions). This increase applies to institutions' activities tied to the micro-purchase threshold per the Uniform Guidance, such as procurements, executed on or after December 23, 2016 for all open financial assistance awards.

SAMS Report is a Mandatory Subrecipient Action

Subawardee Instruction:

Check the federally debarred/suspended vendors at System for Award Management at www.sam.gov prior to execution of any procurement or contract (regardless of amount).

Procurement Method Report \$10,000.01-\$250,000.00

Use this form for Procurements (purchases/orders) in the amount of \$10,000.01-\$250,000.00

Subawardees shall accomplish **three (3)** requirements with this form: **(1)** identification of procurement method, **(2)** SAMS check, and **(3)** certification signature. (Project Manager's signature is adequate certification that competition was done, and that the Subawardee is complying with the most stringent procurement procedures.)

Choose one procurement method: Federal State Local

Reminder: Procurements must be conducted applying the most stringent of applicable procurement requirements (whether federal, state or local). Jurisdictions must adhere to their local requirements for all procurements if they are more stringent than those listed below.

Subawardee: _____

Grant Award: _____

Procurement Method (per each Purchase/Order)

This may include multiple invoices for each purchase or order.

\$10,000.01-\$250,000	
1.	Specifications:
2.	Award Criteria:
3.	Response Due Date:
4.	Provide (3) Vendor contacts with Bid Amounts given. (Must attach copies of written responses). Identify selected vendor by placing and "✓" in the box on the left side of the table adjacent to Vendor's Name.
<input type="checkbox"/>	Vendors Name: Bid Amount:
<input type="checkbox"/>	Vendors Name: Bid Amount:
<input type="checkbox"/>	Vendors Name: Bid Amount:
5.	Justification for Vendor Selection. Please attach all written supporting documents providing justification for vendor selection.

System for Award Management (SAMS) report is required for selected vendor

SAMS Report is a Mandatory Subawardee Action	
<input type="checkbox"/>	1. Check System for Award Management (SAM) for debarment/suspension.
<input type="checkbox"/>	2. Print SAMS report page and attach to this form.

Certification

I certify the above information is true and accurate. Documents related to this procurement are on file and available upon request.

Subawardee Project Manager's Signature

Date

Printed Name and Title

Guidance for Procurement Method
(For reference purposes only)

\$10,000.01 to \$250,000.00

Subawardees Guidance:

Procurement Method:

At least three firms or persons shall be contacted in writing for quotes or informal proposals. The solicitation and responses must be written. You must include the specifications (description of what is being purchased), award criteria (how the vendor will be chosen), and date and time responses are due. Postings in electronic media may satisfy the competitive solicitation requirement.

Justification:

Must explain why vendor was chosen by completing Justification block.

Award:

Must be within accordance of the specifications and award criteria in the solicitation to the responsive and responsible bidder providing the lowest quote or most advantageous quote or proposal.

Regulations: Code of Federal Regulations, State / Local Procurement Rules

2 C.F.R. § 200.320(b) : Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold (currently at \$250,000). If small purchase procedures are used, price or rate quotations must be obtained from an adequate number (3) of qualified sources. **NOTE:** Federal procurement law overrides local or state law if more restrictive.

Grant Programs Directorate Information Bulletin No. 434 – Increases and Changes to the Micro-Purchase and Simplified Acquisition Thresholds : Guidance

A. Increases to Micro-Purchase and Simplified Acquisition Thresholds, Effective June 20, 2018. OMB increased the micro-purchase threshold from \$3,500 to \$10,000 and increased the simplified acquisition threshold from \$150,000 to \$250,000. These increases apply to all recipient and Subawardee activities tied to one of these thresholds per the Uniform Guidance, such as procurements or budget approval requests, executed on or after June 20, 2018 for all open financial assistance awards.

SAMS Report is a Mandatory Subawardee Action

Subawardee Instruction:

Check the federally debarred/suspended vendors at System for Award Management at www.sam.gov prior to execution of any procurement or contract (regardless of amount).

Procurement Method Report Sole Source / Inadequate Competition

Use this form for Procurements (purchases/orders) that are Sole Source or Inadequate Competition. (Note: this is not the same as a pre-bid contract, if the purchase is using a pre-bid contract please use the appropriate form.)

Subawardees shall accomplish **three (3)** requirements with this form: **(1)** identification of procurement method, **(2)** SAMS check, and **(3)** certification signature. (Project Manager's signature is adequate certification that competition was done, and that the Subawardee is complying with the most stringent procurement procedures.)

Choose one procurement method: **Federal** **State** **Local**

Reminder: Procurements must be conducted applying the most stringent of applicable procurement requirements (whether federal, state or local). Jurisdictions must adhere to their local requirements for all procurements if they are more stringent than those listed below.

Subawardee: _____

Grant Award: _____

Procurement Method (per each Purchase/Order)

This may include multiple invoices for each purchase or order.

Sole Source/Inadequate Competition	
Vendor:	_____
Purchase Amount:	_____
<p>Justification for Vendor Selection – Provide justification for Vendor Selection in the below box. Please attach any written supporting documents providing justification for vendor selection. Explanations of exemptions must contain findings of fact. Evidence must be included, consisting of material facts sufficient to independently determine that the findings of fact listed are true and accurate. Factual evidence may consist of written documents, records, supporting data, affidavits, or other information proving that the findings of fact are true and accurate. Itemized listings of findings of fact and material factual evidence should be included or attached.</p>	

System for Award Management (SAMS) report is required for selected vendor

SAMS Report is a Mandatory Subawardee Action	
<input type="checkbox"/>	1. Check System for Award Management (SAM) for debarment/suspension.
<input type="checkbox"/>	2. Print SAMS report page and attach to this form.

Certification

I certify the above information is true and accurate. Documents related to this procurement are on file and available upon request.

Subawardee Project Manager's Signature

Date

Printed Name and Title

Guidance for Procurement Method

(For reference purposes only)

Single Source or Non-Competitive Evidence Guide

- Single source requests must be submitted with **written evidence to support the request.** (CFR 200.320(f))
- Per CFR 200.320(f), the written evidence must support an independent examination and determination of the material facts of the procurement – meaning that anyone should be able to pick up the file, read it, and understand why the decision was made as it was - and must address why:
 - There is a public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation (CFR 200.320(f) (2))
 - It is not practical to award a contract using a more competitive method. (CFR 200.300(f)(3))
 - Award of a single source contract is in the state's best interest. (CFR 200.300(f)(4))
- Examples of subject matter experts as used below could be a **program manager/director, division director, IT manager, or other high-level support staff for the program/project.**
- Evidence requirements can and will vary from request to request and the below is not intended to be an all-inclusive list.

Proprietary Product or Service *Least Complex*

- ✓ Written testimony from the Program Manager and/or subject matter expert(s) clearly describing:
 - *Their name, title, and experience with the program and why this qualifies him/her to speak authoritatively on the matter.*
 - *Why the product or service is needed.*
 - *Why the proprietary product or service is the only one that will work for the program.*
 - *Quantified potential time and/or cost impacts if the product or service were not purchased, like:*
 - *Costs to transition to another product that outweigh any potential savings.*
 - *Investments made in the current product – training, specialized equipment, etc. – that would be lost.*
 - *Voiding existing equipment warranties or maintenance agreements.*
 - *Lack of compatibility.*
 - *Why using a competitive process is not practical.*
- ✓ Written testimony from the vendor clearly describing:
 - *They are the only source of the proprietary product or service.*
 - *They do not offer their product or service through dealers or resellers or, if they do, that the pricing through a dealer or reseller would be the same or higher.*
- ✓ Any documentation and/or records that support an existing agency standard.
- ✓ Copies of any previously approved documents directly related to the project.

Unique Skill/Knowledge

- ✓ Documented research that demonstrates why it's not practical to compete the services. Web search results are often used.
- ✓ Online or newspaper posting stating the intent to award a single source contract, describing the services, and seeking additional vendors and results.
- ✓ Written testimony from the Program Manager and/or subject matter expert(s) clearly describing:
 - *Their name, title, and experience with the program and why this qualifies him/her to speak authoritatively on the matter.*
 - *Why the selected vendor's unique skills and/or knowledge is the best for the program.*
 - *Quantified potential time and/or cost impacts if a different vendor were selected, like:*
 - *Impacts to data/research already performed.*
 - *Taking longer to perform the work.*
 - *Needing X number of hours to come up to the same level of expertise as the requested vendor, costing the state Y amount more.*
 - *Why using a competitive process is not practical.*
- ✓ Written testimony from the vendor clearly describing their unique skill or knowledge and how they came to possess it. (Resume, CV, references, sample work, etc.)
- ✓ Written testimony from other vendors or third parties describing their inability to provide the same unique skill or knowledge and/or supporting the requested vendor.
- ✓ Copies of any previously approved documents directly related to the project.

Guidance for Procurement Method
(For reference purposes only)

Sole Source OR a single vendor response to a non-competitive bid

Subawardees Guidance:

Justification:

Must explain why vendor was chosen by completing Justification block must be filled out explain why vendor was chosen

Procurement Method:

Provide all written supporting documents providing justification of sole source or single vendor selection.

Award:

Must be within accordance of the specifications and award criteria in the solicitation to the responsive, responsible bidder and justification of sole source or single vendor selection.

Regulations: Code of Federal Regulations, State/ Local Procurement Rules

2 C.F.R. § 200.320 (f): Procurement by non-competitive proposals.

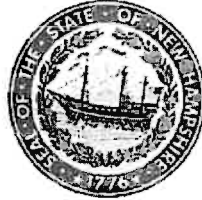
State/Local Procurement Rules

SAMS Report is a Mandatory Subawardee Action

Subawardee Instruction:

Check the federally debarred/suspended vendors at System for Award Management at www.sam.gov prior to execution of any procurement or contract (regardless of amount).

**State of New Hampshire
Department of Safety
2020 Homeland Security Grant Program**



**STATE HOMELAND
SECURITY PROGRAM
(LETPA)**

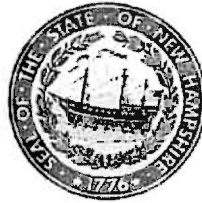
**Program Guidance and
Application Kit
Night Vision Allocation**

To:

State of New Hampshire
Department of Safety
Grants Management Unit
33 Hazen Drive
Concord, NH 03305

Please email your completed application to homelandgrants@dos.nh.gov
State of New Hampshire – Department of Safety

**2020 Homeland Security Grant Program
STATE HOMELAND SECURITY PROGRAM –Special LETPA Application**



PROJECT APPLICANT

APPLICANT: _____

PROGRAM MANAGER/CONTACT (PRIMARY POINT OF CONTACT)

NAME: _____ TITLE: _____

ADDRESS: _____

TELEPHONE: _____ FAX: _____

EMAIL: _____

PROGRAM MANAGER/CONTACT SIGNATURE: _____

FINANCE OFFICER

NAME: _____ TITLE: _____

ADDRESS: _____

TELEPHONE: _____ FAX: _____

EMAIL: _____

FINANCE OFFICER SIGNATURE: _____

AUTHORIZING OFFICIAL (Per RSA 31:95b or RSA 37:6)

NAME: _____ TITLE: _____

ADDRESS: _____

TELEPHONE: _____ FAX: _____

EMAIL: _____

CERTIFICATION: I CERTIFY THAT I AM DULY AUTHORIZED UNDER THE STATUTES OF THE STATE OF NH TO APPLY FOR, AUTHORIZE, OR ACCEPT THE HOMELAND SECURITY GRANT FUNDS / EQUIPMENT HEREIN.
AUTHORIZING OFFICIAL SIGNATURE: _____

GRANT NARRATIVE SECTION

Please compose a grant narrative answering all the questions/discussion points below. Please outline your grant narrative as shown for all sections of the grant narrative.

PLEASE DO NOT COMPLETE YOUR NARRATIVE ON THIS FORM. PLEASE ATTACH THE NARRATIVE AS A SEPARATE DOCUMENT.

I. Background

- A. Provide a summary description of this project. Describe:
 - a. Its purpose
 - b. How the specific equipment requested will achieve the goals of your team. (Not to exceed 200 words)
 - c. Describe the capability gap(s) that this investment is intended to address.

II. Strategy (see pages 4, 13 and 14)

- A. Explain how the project will support the implementation of the National Priority(ies) (NTE 100 words)
- B. Explain how the project will support the Target Capability(ies) (NTE 100 words)
- C. Explain how the project will support the achievement of the SHSS goal (NTE 100 words)

III. Regionalization

- A. Describe the geographic and demographic area(s) this project/your team covers. (Not to exceed 100 words)
- B. Explain how you will organize to implement this project over the identified geographic area. (NTE 200 words)

IV. Impact

- A. Discuss anticipated impacts of this project and how the requested funding and specific equipment requested will help attain/achieve expected impacts. (NTE 300 words)
- B. Discuss how the implementation of this project will enhance WMD/CBRNE prevention detection, response and/or decrease or mitigate risk or terrorist activity. (NTE 250 words)
- C. Describe what the potential Homeland Security risks of not funding this project are. (NTE 100 words)
- D. Summarize the number of call-outs in the past year.

V. Funding and Implementation Plan

- A. Please attach a project-funding plan as follows:
 - a) Provide a brief summary of the planned expenditures
 - b) If this investment uses other funding sources, identify the funding source and provide a brief summary of how those funds will be applied.
- B. Identify potential challenges to the effective implementation of this project. (e.g. stakeholder buy-in, sustainability, aggressive timelines). (NTE 300 words)
- C. Provide a timeline, including milestones and dates, for the implementation of this project. Possible areas for inclusion are: stakeholder engagement, planning, major acquisitions/purchases, training, exercises, and process/policy updates. Please provide at least three (3) but no more than ten (10) milestones for this project. Please use the following "template" for the timeline:

Milestone #1: (NTE 25 Words) _____ Start Date: _____
_____ End Date: _____

- D. Describe the planned duration for this overall project (not to be limited to the Homeland Security Grant Program). Discuss your long-term sustainability plans for the project after your FY 2019
- E. SHSP funds have been expended, if applicable. (NTE 300 words)
- F. What outputs and outcomes will indicate that this investment is successful?

VI. Project Management

- A. Describe the management team roles and responsibilities, governance structures, and subject matter expertise specifically required for this investment.

VII. Training and Certifications

- A. The NIMS IS-700 requirement stated that all command staff had to complete NIMS IS-700 certification or its equivalent from Fire Standards and Training & EMS. The NIMS requirement stated that "Fire Service Chief Officers and all command staff and equivalent staff of eligible disciplines should complete ICS-300 and ICS-400 in order to maintain their NIMS compliance.
- B. In order to qualify for a FFY 2020 Homeland Security Grant, please attach NIMS IS-700 certificates for ALL staff. Also attach a signed certification letter stating the progress to date for all other staff regarding NIMS compliance. In addition, please attach ICS-300 and 400 certificates for command staff or a plan certifying that command staff will be trained.

2020 Homeland Security Grant Program

Non-Supplanting Certification

Non-Supplanting Certification: This certification, which is a required component of the New Hampshire application, affirms that federal Homeland Security grant funds will be used to supplement (add to) existing funds, and will not supplant (replace) funds that have been locally appropriated for the same purpose. Potential supplanting will be addressed in the application review as well as in the pre-award review, post award monitoring, and the audit. Applicants and/or grantees will be/may be required to supply documentation certifying that a reduction in non-federal resources occurred for reasons OTHER than the receipt or expected receipt of federal Homeland Security grant funds.

Supplanting funds is loosely defined (for these purposes) as using federal grant money to “replace” or “take the place of” existing local funding for equipment or programs. The funds are intended to provide local entities with **increased capabilities** or to build capacity to address CBRNE/WMD terrorist incidents. Federal Homeland Security grant funds cannot be used to replace aged, local equipment; instead they are intended to help increase capabilities. The funds are not to be used to replace items that are worn out/broken or for replacing (supplanting) routine local budget expenses.

As a condition of the receipt of these funds:

Funding may be suspended or terminated for filing a false certification in this application or other reports or document as part of this program.

Tracking of Equipment:

Upkeep, maintenance, and training of and for equipment procured as part of the Homeland Security grant program is a local and/or grantee responsibility. The inventory of this equipment is a local responsibility and the recipient of such understands that inspections, auditing, and inventory accounting of this equipment may occur as a condition of this grant either from Federal, State or other appropriate level agency and agent

Equipment valued over \$5,000:

To comply with OMB circular A-87, equipment valued at this level must inventoried and tracked locally and be reported to the State Department of Safety (DOS) – Grants Management Unit for 2 years or until the item carries a depreciated value of less than \$100. The disposition of the equipment must be reported. DOS recommends consulting with local auditors for GASB-34 compliance and disposition rules governing equipment procured with Federal funds.

Certification Statement:

I certify that any funds awarded under the fiscal year 2020 Homeland Security Grant Program will be used to supplement existing funds for program activities, and will not replace (supplant) non-Federal Funds.

I have further read and understand the requirements surrounding fraudulent statements, tracking and inventory of equipment, and rules surrounding equipment valued at over \$5,000.

Print Name (Authorizing Official)

Print Name (Program Manager/Contact)

Signature

Signature

Date

Date

*****THE AUTHORIZING OFFICIAL MUST BE STATUTORILY ALLOWED TO SIGN A CONTRACT FOR THE MUNICIPALITY (i.e. Mayor, City Manager, Town Manager, Chairperson BOS, etc.) PER RSA 31:95b or RSA 37:6**

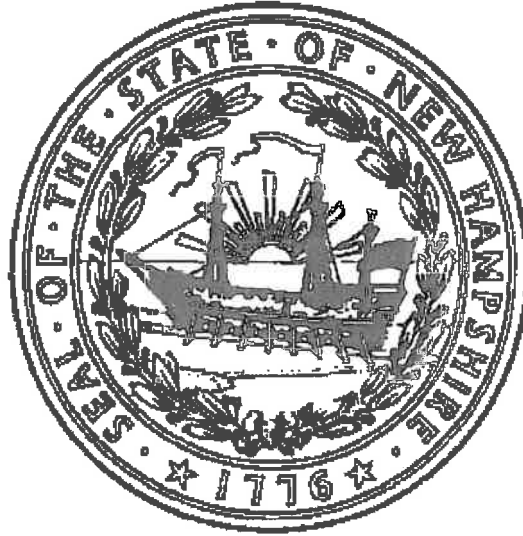
Send completed application to:

NH Department of Safety-Commissioner's Office
Grants Management Unit
33 Hazen Drive
Concord, NH 03305
603-271-7663

Post application instructions:

- Do not proceed with this project until advised in writing by the NH Department of Safety-Commissioner's Office - Grants Management Unit of approval.
- The FY 2020 HSGP expires on August 31, 2023. Federal guidelines require that reimbursement requests be received 20 days prior to the expiration date if possible. No grant activity can take place after 8/31/2023.

STATE OF NEW HAMPSHIRE



DEPARTMENT OF JUSTICE

Gordon J. MacDonald

Attorney General

Victims of Crimes Act (VOCA)

State Fiscal Year 2022 VOCA Application

**Victims of Crime Act
Section 1**

Agency Name: Portsmouth Police Department

Grant Starting Date: 07/01/2021

Ending Date: 06/30/2022

DUNS #: 073976706

SAM Expiration: 7-2-21

Federal Funds Requested \$24,759

Does your agency expend \$750,000 or more in total federal funds annually? Citywide – Yes
Police Dept - No

Chief Elected Official/Head of Agency:

Name: Mark Newport Title: Chief of Police

Address: 3 Junkins Avenue, Portsmouth, NH 03801

Telephone: 603-610-7479

E-mail: MNewport@CityofPortsmouth.com

Project Director

Name: Brianne Devermond Title: Victim Advocate

Address: 3 Junkins Avenue, Portsmouth, NH 03801

Telephone: 603-610-7467

E-mail: BDevermond@CityofPortsmouth.com

Financial Officer

Name: Karen Senecal Title: Administrative Manager

Address: 3 Junkins Avenue, Portsmouth, NH 03801


Telephone: 603-610-7416

E-mail: KSenecal@CityofPortsmouth.com

Certification Required:

As the signing authority for this grant project, I hereby certify that I have read and understand the documents included in this application.

Signature of signing authority:  Date: 4/15/2021
Karen Conard, City Manager

Mark Newport, Chief of Police  Date: 4/15/21

SUB-GRANT APPLICATION INSTRUCTIONS

Program Description

The main objective of the VOCA grant is to support programs providing direct services to crime victims. The VOCA program is designated to be used to assist victims with their crime-related losses, and to support organizations providing direct services to victims of crime. These services include personal advocacy, emergency shelter, safety planning, support groups, transportation and material goods, courtroom advocacy, and many other life-changing and life-saving services. The Fund is comprised wholly of criminal fines, penalties, and forfeitures; there are no taxpayer dollars in the Fund. The US Department of Justice, Office for Victims of Crime (OVC) administers the Fund via VOCA Assistance and VOCA Compensation Grants to the States.

Priority Areas

The VOCA grant identifies sexual assault, domestic violence, child abuse and underserved programs to be given priority.

Section 2: Narrative

(12 point-font with 1-inch margins and page numbered, 10 page maximum)

1. Problem Statement

The Portsmouth Police Department (PPD) has had a long-standing history of providing victim services at the local law enforcement level. This is somewhat of a rarity in New Hampshire, as there are only a handful of local law enforcement agencies that employ Victim/Witness Advocates (VWAs). The majority of VWAs in the state work in a prosecution based environment for County Attorneys, or the Attorney General, and are assigned to cases after charges have been filed. VWAs at the law enforcement level, such as the Portsmouth Police Department, are available to work with, and assist victims from the time of initial report, to charging, and onward throughout the entirety of the criminal justice process.

The PPD is responsible for its own prosecution of all Class A and Class B Misdemeanor offenses, to include DUI, simple assaults, theft, criminal threatening, domestic violence, sexual assault, and stalking, to name a few. The city has assigned 1.5 prosecutors to handle this load in court, to include arraignment hearings, trials, motions to impose, review hearings, etc. The majority of police agencies do not prosecute their own cases “in-house”, which further highlights the need for a VWA at the police department, to ensure that victim’s rights are being complied with from the moment an offense is committed. PPD has had funding assistance from the VAWA grant for many years, however since the addition of the VOCA Grant in late 2018, the case load for the victim advocate has almost quadrupled, resulting in a request during this grant period to alter the grant funding percentage for the Victim Witness Advocate to 55% VOCA-45% VAWA vs. the reverse in past years.

Portsmouth is a small city, but is one of the more tourist-friendly cities in the State. Although the resident population is about 21,000, the day-to-day citizenship population of Portsmouth is approximately 45,000-65,000 and that number easily swells to 100,000 depending on the season, weekend, or event in town. Portsmouth also has an incredible amount of critical infrastructure both within the city itself, and within minutes of its city limits. The greater Portsmouth area plays host to an airport, multiple shopping centers and a mall, Air Force and Coast Guard bases, race

tracks, hospitals, performance theaters, a nuclear power plant, as well as several federal agencies. Given the immense population, multitude of businesses, and draw of area attractions, the crime rate can be larger than the average town in NH. This is why it is so critical to have a VWA employed by the police department. Due to the volume of cases, the prosecutors are not always able to contact witnesses or victims before a court date to answer questions and provide resources and support. Victims of VOCA-based crimes have technical needs such as assistance with restitution, getting recovered goods back, help with replacing stolen items or assistance with auto estimates and insurance companies. More often than not, the VWA at the PPD is the only person involved with the case that a victim keeps in contact with until a trial date. The VWA made sure victims and witnesses were kept up to date about the cases that involve them, and the Advocate also made sure all questions from a victim or witness were answered. Without the VWA, the majority of victims would not have a contact person to speak with about their concerns, wants, questions, and resources/services available to them. Having a VWA employed to make that connection right away is an essential piece to completing the larger scale puzzle.

That being said, there are a number of challenges that have affected the efficacy of providing victim services for the past few years, that will continue to face the program into the near future. However, the IT Manager will work with the VWA directly to help resolve many of these issues over the coming year. Our program will utilize different support technologies.

The prosecution office is completely paper-file based, and when the prosecution unit goes to court, that's all there is to fall back on. There are no technological aids to speak of while at court as the wireless internet is barely existent. A work-around to allow access to criminal case information, victim contact information, or victim input while in court is being reviewed to provide access while off site. In addition, the court is aiming to go paperless, with electronic filing and court mail becoming the norm. The police department has worked to accommodate the court's goal. Lastly, the PPD has lacked a formal system/software for tracking contact with victims, services provided, victim contact information, or victim updates. The PPD has had to rely on a compilation of various data sources to track victim data that includes the limited capabilities in our records management system, Excel spreadsheets and Word documents. Most

of the data is created and updated on each case by hand.. As a bi-grant funded program that must report statistics and reports quarterly and yearly for two victim grants, it cannot be stressed enough what a herculean task this is. With the exponential increase in cases in 2019 and 2020 for the VWA, this outdated system is being addressed in the current RFP for a new department-wide CAD/RMS system (Computer Aided Dispatch/Records Management System). Improved technology will better serve victims as it will allow us to better connect with them, provide crucial information to the judge, and update them with important case information in real time. All parties to the case would also be able to easily obtain critical case feedback, and grant reporting time would not take crucial hours of painstaking data entry and review time from the VWA.

The fields of victim services, social services, and criminal justice are constantly evolving. Policies and procedures, both within the department itself and in the state overall, are always being improved upon and updated. The PPD VWA must stay up to date on best practices, and also bring any changes back to the department, to ensure that all personnel are operating on the current expectations and practices. Professional development will be an integral part of the VWA's schedule.

The VWA position at the Portsmouth Police Department is primarily grant funded. Without the VOCA funds, the program may be greatly reduced due to budget constraints. The grant funds allowed the department consistently provide services to victims throughout the criminal justice process. We have noticed a marked improvement in the prosecution of cases that involve all crimes since hiring an advocate, and feel this can be attributed to victims feeling empowered because their questions are answered and they have been referred to services that can help improve their situation.

2. Project/Program Design and Implementation

The legal department of the Portsmouth Police Department is made up of 1.5 prosecutors, one (1) office manager-paralegal and one (1) VWA. As mentioned, this department is responsible for

the prosecution of all crimes that occur within the City of Portsmouth, including all Class A and Class B misdemeanors cases that occur in Portsmouth. Both Portsmouth Prosecutors work directly with the advocate in all cases that involve crimes against persons, including Simple Assault, Criminal Mischief, Domestic Violence, Sexual Assault, and Stalking. The VWA also works on felony level offenses, prior to handing prosecution over to the Rockingham County Attorney's Office.

The responsibilities of the advocate are broad, but are mostly centered around compliance with the NH Victim's Bill of Rights. They include educating victims about the criminal justice process, keeping victims updated about court dates, referring victims to crisis centers/counseling facilities, providing support to victims while in court, and making sure that victims have the opportunity to express their thoughts about the case to the prosecutor and to the judge.

The advocate can also assist the victim in getting property returned, and restitution paid for crime-related losses. The advocate is also responsible for assisting victims who are involved in a reported incident that does not lead to prosecution. The purpose of this contact will be to establish a relationship with the victim and the Police Department as well as to educate the victim about any community resources that they may find helpful or that fit their specific needs and wants. Providing these services helps arm victims with knowledge about ways to ensure their future safety, which in turn can promote a reduction in re-victimization of victims. Victims are also provided with informational brochures created by the VWA, containing information on resources such as restraining orders and the NH Victim's Compensation Fund. The advocate also works towards strengthening delivery of victim services as a whole through training of officers, and dissemination of updates in best-practices or protocols.

As mentioned, although the PPD prosecutes its own misdemeanor level offenses, the VWA also works on felony level offenses, in conjunction with Victim Advocates from the Rockingham County Attorney's Office. Often a victim of a felony crime or a victim of a misdemeanor appeal is nervous about going to Superior Court. In these cases, the VWA for PPD will contact the Rockingham County Advocates and let them know about the incoming case, the victim's

wishes/concerns, and also the victim's contact information. This action ensures the victim's transition to Superior Court is smoother and less stressful and also makes sure the victim is contacted sooner by their new Advocate, who might not have even received that case yet.

Portsmouth is a uniquely situated town to be an epicenter of activity. Given more training, or building upon existing opportunities, the victim advocacy program at the PPD has had, and continues to have, the potential to make a huge impact. For example: A great asset to the seacoast is the Seacoast Emergency Response Team or SERT. The VWA partners with this specialized team in terms of crisis response and management. The SERT is regularly trained in dynamic problem solving to simulate real-work situations, to include active shooter response, terrorism, mass casualty events and other complex scenarios as it relates to tactical operations. Planning, logistical support, tactics and the command system relating to the national incident management system (NIMS) are improved upon year after year. Assimilating victim advocate training in this regard that specifically focuses on victim support, rather than just offender apprehension, has had, and will continue to be, a critical skill should there ever be a need for activation.

These types of increased education and training resources make projects more efficient and ultimately more beneficial to the victims we serve.

Lastly, the PPD has a long history of placing interns from area colleges into related divisions within the department. To assist with the increased workload, the PPD will seek subject area interns each semester and during the summer breaks (example: upper classmen in the Bachelor's program in the social work field or those working toward a Masters in Social Work)

Goal 1: Enhance victim resources within the City

Objective: To improve delivery of services available to victims in the immediate area.

Activity 1: The advocate will work with local organizations to obtain information on services

Activity 2: The advocate will work with area businesses such as hotels, to build partnerships for victim assistance such as overnight emergency housing.

Performance Measures: Feedback from the victims as well as success of using services when the need arises

Goal 2: To maintain database of local and state resource referral numbers, programs, and services and to also keep list up to date with additions and updates for contact information.

Objective: Refer victims to services that are appropriate and that can also improve their situation.

Activity 1: Research the internet for new referral sources and also make phone calls to contacts at service agencies to find out if there are any new programs/services available for victims. Keep referral list as up-to-date as possible.

Activity 2: Make sure there are appropriate resource links and phone numbers on the PPD website that victims can access from home.

Performance Measures: The success of this goal will be monitored by the feedback of those victims who receive referrals, if connections are made

Goal 3: To maintain and update all victim handouts and on-scene brochures to provide valuable resources and information to victims of crime.

Objectives: Ensure that Portsmouth Officers have a supply of brochures that can be given out to victims.

Activities: Making phone calls to service agencies to find out if their contact information is correct. Search for other handouts or informational pamphlets that might have relevant/important information that victims would benefit from and incorporate as much information as possible to PPD's literature.

Performance Measures: The success of this goal will be monitored by feedback from the victims as well as from the prosecutors and police officers.

Goal 4: Victims will experience less secondary trauma throughout both the investigative and court process.

Objective: The advocate will provide victims with consistent support from the beginning of the case until dispositions are closed.

Activity 1: The advocate will work with all Officers throughout a case and during that time connect victims with appropriate community resources and educate them about the criminal justice process.

Activity 2: The Victim Advocate will answer any questions a victim has and ensure that they always understand what is happening with their case.

Performance Measures: Feedback from the victims as well as the Officers who worked the cases.

Goal 5: Ensure the prosecutor is kept informed about a victim's concerns and desired case outcomes

Objective: The advocate will contact victims and get their input and feedback on cases.

Activities: The advocate will work with victims to make sure all concerns and wants of a case are relayed. The advocate will then take that information to the prosecutor of the case and make sure prosecution understands what a victim wants to see happen with the case.

Performance Measures: The success of this goal will be monitored by feedback from the prosecutors.

Goal 6: To provide direct services to victims of and witnesses to all crimes against persons

Objective: The advocate will work with victims of all crimes, charged or uncharged, that occur within the city.

Activities: Meet with victims and witnesses, assess the victim's needs, give victims referrals to appropriate resources, accompany victims and witnesses to court, and educate victims on the court process.

Performance Measures: Track the number of victims that the advocate works with during the year and their disposition of services provided. We will also monitor the success of the program through feedback from the victims and witnesses the advocate works with in each case.

Goal 7: Prevent victimization

Objectives: Educate public on signs of victimization, things they can do to potentially prevent victimization, inform them about the resources available that the PPD VA can provide.

Activities: Provide materials and education sessions, educate and train officers on specific

victim related issues

Performance Measures: The success of this goal will be monitored by feedback from the recipients.

Goal 7: Streamlined data collection for grant reporting

Objective: Reduce time spent on data collection and service delivery tracking.

Activity: Solicit vendors vying for new record's management system if there is a module the PPD can include on the RFP for the new software.

Activity: If record's management system is not an option, research stand alone option.

Activity: If record's management system and stand alone system not possible, work with city IT to develop an in-house system.

Performance Measure: Implementation of a data collection system

3. Program Management-

The Captain of Administration, will oversee the Victim/Witness Advocate assigned to the grant project and monitor overall activities related to the plan. The Administrative Manager, will be the project manager and coordinate and insure the grant plan and waypoints are met on time and within budget. Should any modifications to the plan be needed, that information will be submitted and discussed with the Captain of Administration and also the Administrative Manager. The current VWA, holds a dual Bachelor's degree in Justice Studies and Political Science and -has six (6) years of experience in Victim Services. This position has been funded by both VOCA and VAWA funds.

The Victim/Witness Advocate will work in tandem with the court office of the Portsmouth Police Department on all aspects of the court cases that involve victim-based offenses, as well as with the County Attorney's Office. The VWA will oversee administrative duties, case management, and data collection and input. Lastly, the business office and city finance department will insure the financial management of the grant is in compliance with the grant

guidelines.

4. Sustainability –

Funding from grants has allowed the Portsmouth Police Department (PPD) to keep the Victim/Witness Advocate (VWA) position, and overall program, intact. Without funding from the NH Department of Justice, the position would have been cut on July 1, 2010. It would have been a detrimental loss to the Portsmouth Police Department Court Office and also to the victims of the Portsmouth, NH area who receive victim services. The VWA is responsible for making direct contact with victims and ensuring they are fully informed about the court case and that their questions are answered. Without the advocate, the prosecutors would not be able to fully or properly keep victims informed or answer their questions, and the victims and the prosecution of the criminal cases overall would suffer for it. The advocate fills a much needed role in the criminal justice system, because with the continued contact from a VWA, victims are more likely to cooperate with prosecution because they feel informed and heard. Court can be confusing to those that have never been involved with the criminal justice system, and the VWA helps victims to never feel lost in the system.

Since September of 2013 the Victim/Witness Advocate position was modified from a fully grant funded full-time position to a part-time position. When the VWA position was almost lost back in 2010, the Police Department started searching and has continued to search for other funding options. The department's goal is to keep the VWA position funded and available as a vital resource for victims in the Portsmouth area through whatever means available.

The addition of VOCA funding a few years ago enabled the PPD to return the VWA position to a full time position. As grant funding has remained almost level funded for both the VAWA and VOCA grants, the VAWA grant moving from 100% funding to requiring a match like the VOCA, as well as, normal year-to-year salary/benefits cost increases, the city has been able to assimilate these costs into the city budget.

5. Evaluation Plan –

This agency will evaluate the program and determine the achievement of program goals and objectives by having meetings with the Administrative Captain, command staff personnel, and prosecutors to discuss progress and achievement of desired goals of the program. These meetings will include discussions regarding any feedback they have received from victims, witnesses, officers and other outside professionals the advocate may have had the opportunity to work with. During the meetings there will be a chance to discuss whether or not the goals of the VWA position have been met and also if there are any areas that can be improved. Input from everyone the VWA works with will be encouraged to be submitted to the Administrative Captain, the VWA or the prosecutors. At this time, any obstacles that have prevented the advocate from meeting the goals will be discussed and a plan of action to overcome those obstacles will be put in place. Discussions with the VWA are always open to anyone who has any ideas to improve the continuing support of victims and witnesses. If any problems arise they will be discussed with the Administrative Captain, the VWA and the prosecutors to go over what they are, and also what can be done to fix them.

Section 3: Budget

6. Budget Detail A separate budget detail for each year of the two-year grant must be provided. If a budget detail is only included for one year then the project will only be funded for one year. The budget for each year will be treated independently. Budgeted funds will only be carried forward from year one to year two of this funding under limited circumstances and if funds remain available.

Federal Funds for grant programs must be used to **supplement, not supplant, existing subgrantee programs and services**. Supplanting means that if an entity is currently paying for specific services with local funding, they cannot request federal funds to pay for that same service. Applicants may request funding to pay for an enhancement to that service, however only the enhancement will be eligible for funding and the original services must remain locally funded. VOCA funds may only be used to support allowable

VOCA activities. The VOCA grants require a matching CASH and/or IN-KIND contribution of 20% of the Total Budget (Total Budget equals the Federal amount requested plus the match amount). All funds designated as match are restricted to the same uses as the grant funds and must be expended within the grant period. Match must be identified in a manner that guarantees its accountability during an audit. NOTE: Funds from other Federal sources may not be used to meet the match requirement.

How to Calculate Match

Formula

Step 1 Award Amount \div % of Federal Share = Total (Adjusted) Project Cost

Step 2 Total (Adjusted) Project Cost \times % of Recipient's Share = Required Match

Example

Match Requirement - 80/20 (Federal/Recipient)

Federal Award = \$100,000

Step 1 \$100,000 \div 80% Federal Share = \$125,000

Step 2 \$125,000 \times 20% Recipient's Share = \$25,000

6. **Budget Narrative** The budget narrative should provide the justification for the expenses itemized in the budget. For each of your budget categories, provide a brief narrative explaining and justifying the itemized expenses. For example, for the Personnel category, list the personnel, their program job functions, and any pertinent explanatory information. Include job descriptions and resumes of all personnel requested to be funded by this grant. Include a breakdown of the source (whether value of In-Kind or Cash) and the amount of your proposed matching funds and an explanation of the In-Kind Match and how its cash value was calculated.

New Hampshire Department of Justice
Section 3: Budget Detail Worksheet and Budget Narrative

A. Personnel - List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. If non-salary please include hourly rate. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization and must be based on ACTUAL time worked and not percentage. Please attach job descriptions and resumes for each position listed.

<u>Name/Position</u>	<u>Computation</u>	<u>Federal</u>	<u>Match</u>
Brianne Deyermond Victim Witness Advocate	FY22 Salary Total is 52,337.40	24,759	1,398

07/01/21-01/01/22 Grade 7-Step D @ 51,089.64 annually
 01/02/21-06/30/22 Grade 7-Step E @ 53,644.12 annually

Step D 51,089.64/260 x 133 Days = 26,134.31
 Step E 53,644.12/260 x 127 Days = 26,203.09
52,337.40

This position is split between the following:
 VOCA with an 80% Fed/20% Match (max fed grant 24,759)
 VAWA with a 75% Fed/25% Match

VOCA at projected 55% of VWA Time (52,337.40 x 55% = 28,785.57)

The PPD anticipates an over match on the VOCA grant in this category.

Category A. Personnel Sub-Total Federal:	24,759	Match:	1,398
-------------------------------------------------------------	--------	---------------	-------

B. Fringe Benefits - Fringe benefits should be based on actual known costs or an established formula. Fringe benefits are for the personnel listed in budget category (A) and only for the percentage of time devoted to the project. Fringe benefits on overtime hours are limited to FICA, Workman's Compensation, and Unemployment Compensation. Individual fringe benefits must be listed by amount and percentage.

<u>Name/Position</u>	<u>Computation</u>	<u>Federal</u>	<u>Match</u>
Brianne Deyermond	FY22 Fringe Total is 21,847.55	0	4,802
Retirement	52,337.40 x 0.1406 = 7,358.64		
Medicare	52,337.40 x 0.0145 = 758.89		
SS	52,337.40 x 0.0620 = 3,244.92		
LTD	* = 188.41		
Life	^ = 101.76		
Health	Full projected 11,055.96 x employer share 87% = 9,618.69		

Dental Projected (100% employer) = $\frac{576.24}{21,847.55}$

VOCA at projected 55% of VWA Time (21,847.55 x 55% = 12,016.15)

The PPD anticipates an over match on the VOCA grant in this category.

Based on insurance company formula projected (Rounded Sal/12/100.36*12).
 ^Based on insurance company formula projected (Rounded Sal/1000*.16*1*12)

Category B. Fringe Benefits Sub-Total Federal:	0	Match:	4802
-------------------------------------------------------------------	---	---------------	------

C. Travel - Itemize travel expenses of project personnel by purpose (e.g., staff to training, field interviews, advisory group meeting, etc.). Show the basis of computation (e.g., six people to 3-day training at \$X airfare, \$X lodging, \$X subsistence). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and the unit costs involved. Identify the location of travel, if known. Indicate source of Travel Policies applied, Applicant or Federal Travel Regulations.

Purpose of Travel Location Item Computation Federal Match

Category C. Travel Sub-Total Federal:	0	Match:	0
----------------------------------------------------------	---	---------------	---

D. Equipment - List non-expendable items that are to be purchased. Non-expendable equipment is tangible property having a useful life of more than two years and an acquisition cost of \$5,000 or more per unit. Expendable items should be included either in the "supplies" category or in the "Other" category. Explain how the equipment is necessary for the success of the project. Attach a narrative describing the procurement method to be used.

Item Computation Federal Match

Category D. Sub-Total Federal:	0	Match:	0
-----------------------------------------------	---	---------------	---

E. Supplies - List items by type (office supplies, postage, training materials, copying paper, and expendable equipment items costing less than \$5,000, such as books, hand held tape recorders) and

show the basis for computation. Generally, supplies include any materials that are expendable or consumed during the course of the project.

Supply Items _____ **Computation** _____ **Federal** _____ **Match** _____

Category E. Supplies Sub-Total Federal:	0	Match:	0
------------------------------------------------------------	---	---------------	---

F. Construction - As a rule, construction costs are not allowable. In some cases, minor repairs or renovations may be allowable. Check with the program office before budgeting funds in this category.

Purpose _____ **Description of Work** _____ **Federal** _____ **Match** _____
 Project category Not Approved by NH Department of Justice

G. Consultants/Contracts - Indicate whether applicant's formal, written Procurement Policy or the Federal Acquisition Regulations are followed.

G-1 Consultant Fees: For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project. Consultant fees in excess of \$650 per day require additional justification and prior approval from OJP.

Name of Consultant _____ **Service Provided** _____ **Computation** _____ **Federal** _____ **Match** _____

Category G-1 Consultant Fees: Sub-Total Federal:	0	Match:	0
---------------------------------------------------------------------	---	---------------	---

G-2 Consultant Expenses: List all expenses to be paid from the grant to the individual consultants in addition to their fees (i.e., travel, meals, lodging, etc.)

Item Location Computation Federal Match

Category G-2 Consultant Expenses Sub-Total Federal:	0	Match:	0
----------------------------------------------------------------------------	---	---------------	---

G-3 Contracts: Provide a description of the product or service to be procured by contract and an estimate of the cost. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source contracts in excess of \$250,000.

Item Computation Federal Match

Category G-3 Contracts Sub-Total Federal:	0	Match:	0
--------------------------------------------------------------	---	---------------	---

H. Other Costs - List items (e.g., rent, reproduction, telephone, janitorial or security services, and investigative or confidential funds) by major type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent, or provide a monthly rental cost and how many months to rent.

Description Computation Federal Match

Category H. Other Costs Sub-Total Federal:	0	Match:	0
---------------------------------------------------------------	---	---------------	---

I. Indirect Costs - Indirect costs are allowed at the applicant's federally approved indirect cost rate. A copy of the rate approval, (a fully executed, negotiated agreement), must be attached. If the applicant does not have an approved rate, the applicant may submit either a rate negotiated between the pass-through entity and the subrecipient (in compliance with this part), or a de minimis indirect cost rate of 10% of modified total direct costs

as defined in §200.414 Indirect (F&A) costs, paragraph (f) of the Federal Register Vol. 78 No 248; 2 CFR Part 200

Description **Computation** **Federal** **Match**

Category I. Indirect Costs Sub-Total Federal:	0	Match:	0
------------------------------------------------------------------	---	---------------	---

Budget Summary- When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total direct costs and the total project costs. Indicate the amount of Federal requested and the amount of non-Federal (match) funds that will support the project.

Budget Category Amount	Federal	Match
A. Personnel	24,759	1,398
B. Fringe Benefits		4,802
C. Travel		
D. Equipment		
E. Supplies		
F. Construction		
G. Consultants/Contracts		
H. Other		
Total Direct Costs		
I. Indirect Costs		
Total Project Costs		

Federal Request	24,759
Non-Federal Match Amount	6,200

New Hampshire Department of Justice

Please include a written narrative that explains your above budget requested items. For example if you are requesting salary for personnel please include in the narrative what the responsibilities of that person will include.

Budget Narrative:

The Victim Witness Advocate in Portsmouth splits her time between VOCA and VAWA related activities. Effective 7/1/21 the PPD is requested the VOCA @ 55% (22hrs/wk projected).

The attached job description reflects a mix of the two different job responsibilities that meet each grant focus area.

The full Salary and Fringe Benefits are provided in section A and B for Ms. Deyermond..

Salary: This position is a “non-contractual” position. The city has established a “non-contractual” salary scale of which Ms. Deyermond will be on Grade 7 Step D on 7/1/21 and moving to Step E during the course of this grant on 1/2/22.

Fringe: The NHRS sets the rate for employer contribution. For FY22 it will go up from 11.17% in the prior fiscal year to 14.06%.

Medicare and Social Security are 1.45% and 6.20% respectively

Health, Dental, and Life insurance rates are negotiated with the city’s vendor Health Trust.

Note: The rates provided are “GMR” Guaranteed Maximum Rates. The final rates come out in May and may differ, i.e. could be lower, but will not exceed the GMR provided to the city in December 2020.

Required Match:

$24,759 / 80\% = 30,948.75 \times 20\%$ Required Match minimum = 6,189.70.

It is anticipated the PPD will over match this amount in the categories requested above due to there being ~10,000 of costs not accounted for by Federal funds or the required match on those federal funds. The over match will be determined based on hours worked per quarter, per grant.

Brianne Deyermond

339 Hanover Street, Portsmouth, NH 03801 Tel: 978-886-7118 BTDevermond@gmail.com

EDUCATION

University of New Hampshire, Durham, NH
BA, Criminal Justice; Political Science 2014

Andover High School, Andover, MA 2010

WORK EXPERIENCE

Victim/Witness Coordinator, Portsmouth Police Department, Portsmouth, NH 2019-Present

Serves as the liaison between the Department, crime victims, investigators, prosecutors, and community organizations. Provides crisis intervention and support to victims of crime to reduce emotional, financial and physical impacts of victimization and meet urgent emotional and/or physical needs. Accompany investigators to meet with, and interview victims. Provide referrals to area crisis centers or community resources. Explains judicial process to victims, witnesses, and their families to ensure they are informed in accordance with the Victim's Bill of Rights. Prepares victims for testimony and delivery of victim impact statements. Assists with restraining order applications. Educates law enforcement officers and other victim services personnel through trainings and demonstrations on best practices and victimology. Secures funding through VOCA and VAWA grant applications. Board member of county-wide Sexual Assault Response Team.

Victim/Witness Coordinator, Carroll County Attorney's Office, Ossipee, NH 2017-2019

Served as the liaison between the prosecution team and victims of crime. Operated in accordance with NH Victim's Bill of Rights. Educated victims and witnesses on the criminal justice process and court procedure. Advised victims and witnesses of hearings and trial, issued subpoenas, and coordinated scheduling and travel. Organized preparation of civilian and law enforcement witnesses for testimony, assisted in crafting and delivering victim impact statements. Attended law enforcement and forensic interviews of victims. Provided referrals for services outside of the criminal justice system, to include resources at crisis centers and mental health counseling. Hosted training opportunities and gave presentations on best practices when working with victims. Secured funding through VOCA Grant applications. Member of Child Advocacy Center child protection team, and co-chair of the Sexual Assault Response Team

Legal Assistant, Rockingham County Attorney's Office, Brentwood, NH 2015-2017

Managed two prosecutor's case loads from pre-indictment through trial and post-conviction. Prepared case discovery, issued subpoenas, organized hearing schedules, reviewed and processed incoming notices and mail. Organized meetings with witnesses for hearings and trial. Communicated with witnesses to notify them of upcoming hearing dates and explained the judicial process. Facilitated witness attendance for testimony and depositions. Gathered restitution information, including reviewing medical and insurance documents, and distributed mittimus' and sentencing information to applicable parties.

VOLUNTEER EXPERIENCE

Rockingham County Sexual Assault Response Team Board Member 2019-Present

Organized and attended monthly meetings. Planned and presented trainings to law enforcement officers county-wide on best practices in accordance with the Attorney General's Protocol Response to Sexual Assault

Carroll County Sexual Assault Response Team Co-Chair 2017-2019

Carroll County Child Advocacy Center 2017-2019

Multi-disciplinary team monthly case review member. Attended monthly meetings to review active child abuse and assault cases. Coordinated resources within the team to provide support and assistance to victims.

SKILLS & CERTIFICATIONS

FBI ELEVATE Program: summer 2020 session

Case management software knowledge: IMC, Prosecutor by Karpel, DocStar

New Hampshire SPOTS certified: criminal record information systems NCIC and NLETS

Grant writing and fundraising: VOCA & VAWA

Organizational and clerical- conference and meeting planning, filing, letter writing, mailing, telephone calls

5 years of Spanish language education, 2 years of Greek language education

REFERENCES

Brandon Garod, Prosecutor, New Hampshire Attorney General's Office
33 Capitol Street, Concord, NH, 03301 603-387-5748 Brandon.Garod@doj.nh.gov

Lieutenant Shanon Goff, Rockingham County Sheriff's Office
101 North Road, Brentwood, NH, 03833 603-812-5221 SGoff@rockso.org

Kate Winter, Victim Witness Coordinator, Rockingham County Attorney's Office
10 Route 125, Brentwood, NH 603-548-0177



Portsmouth Police Department

Position Title: Victim/Witness Advocate Department: Strategic
Reports To: Lieutenant of Strategic Services FLSA: Non-Exempt
Effective Date: July 1, 2018
Classification Level: Grade 7
Salary Range: \$41,587-\$52,819

NATURE OF WORK

Provides a broad range of support duties to reduce the emotional, financial and physical impact of criminal victimization, and assist victims and witnesses with problems that result from their victimization. Provides 24 hour, 7 day a week support services to victims, victims' families, and witnesses to include crisis intervention, education, and assistance throughout the criminal justice process system. Assure that the Victims' Bill of Rights is adhered to.

EXAMPLES OF ESSENTIAL JOB FUNCTIONS

Serves as liaison between victims/witnesses, investigators, attorneys, prosecutors, the Portsmouth Police Department, and community organizations. This position is meant to build on-going positive relationships and trust with the victims/witnesses.

Provides crisis intervention to victims and witnesses to meet their urgent emotional and/or physical needs. This may include accompanying investigators to meet and provide support and referrals to the victims and/or referring victims to area crisis centers or applicable community resources.

Interviews or participates in interviews of victims including those involved in domestic violence and sexual assault cases.

Meets with victims/witnesses prior to indictment of case.

Explains judicial process to victims, witnesses, and their families to ensure they are informed regarding the judicial system.

Advises victims and their families of their rights and the availability of the Prosecutor to assist in exercising their rights.

Ascertains the whereabouts and immediate availability of all parties at all times.

Contacts victims/witnesses for scheduled depositions, hearings, etc., and advises all prosecution participants of any court dates and/or changes in scheduled proceedings.

Prepares witnesses for court testimony, including coordination of schedules with court system, and assists in the preparation of victim impact statements to be used at sentencing, as required.

Attends depositions, court hearings and trials to provide support and information to victims, witnesses and their families, as required.

Keeps victims/witnesses notified of case status, to include hearings and trial dates, continuances, pre-trial releases, plea discussions, dispositions and sentencing.

Advises victims/witnesses of the outcome of any hearing and explains its portent.

Draws up subpoenas in certain instances (ex: domestic violence cases).

Assists detectives with victim/witness follow-up on cases.

Assists in the development of policies and procedures concerning services provided to victims, information sharing, and the handling of complaints.

Provides consultation and training to PPD staff, other local agencies, and partners.

Establishes and updates a client database and services provided to meet agency and federal/state grant requirements.

Maintains up-to-date information on the Portsmouth Police website.

Writes grants to fund this position and its operations, if available.

EXAMPLES OF OTHER JOB FUNCTIONS

Performs all other duties where needed and as assigned in all things incidental to the prosecution efforts of the office.

Maintains a comprehensive database of community services and agencies for victim referrals.

ENVIRONMENT, WORKING CONDITIONS, PHYSICAL AND MENTAL EFFORT

Working Conditions-Requires performing regular job functions in an adverse working environment containing a combination or disagreeable elements which significantly

impact the employee's ability to complete work assignments. This level includes possible work-related accidents or assault.

Physical Demands-Requires light work, including continuous walking or operating simple equipment for extended periods of time as well as occasional strenuous activities such as reaching or bending.

The work is primarily of an intellectual nature but requires the moderate lifting of binders, reports, office equipment, and supplies weighing up to 25 pounds, and being able to file papers in four drawer filing cabinets

REQUIRED KNOWLEDGE, SKILLS AND CAPABILITIES

Knowledge of basic issues of victimology and victim assistance.

Knowledge of legal practices, procedures and the New Hampshire judicial system.

Excellent judgment, tact, courtesy, maturity, and communication (written and oral) skills are all essential.

May be required to travel to/from victims' homes and occasionally transport victims and witnesses to/from Court.

Flexibility necessary for occasional evening, weekend and on-call hours for this salaried position.

Requires skill in analyzing and interpreting data, policy, and procedures OR in using equipment in order to arrive at logical conclusions or recommendations.

Requires responsibility for achieving major aspects of long-range agency objectives by planning for short- and long-term organizational goals, reviewing recommendations for procedural changes, and developing or revising program policies.

Requires reviewing summaries and reports and making decisions to solve problems or to achieve work objectives as well as articulating and expressing those solutions and goals. This level may also require formal presentations of solutions and goals to employees and the general public to increase the responsiveness of the agency toward the demands of its client system.

Requires evaluating a combination of wide-ranging job functions to determine work procedures, to solve problems, and to reach conclusions by applying analytical or technical thinking. This level also requires planning policies and long-term strategies, drawing conclusions based on available criteria, and evaluating the effectiveness of program objectives.

Requires independent judgment in planning and evaluating work procedures and standards under administrative direction and according to broad departmental guidelines.

RECOMMENDED WORK TRAITS:

Knowledge of community resources.

Ability to handle high stress crisis situations and to work under pressure in an emotionally charged environment.

Ability to provide short-term counseling and emotional support to victims during the criminal justice process and to act as a mediator between victims and offenders as needed.

Ability to serve as an advocate within the criminal justice process for individual victim's needs/concerns. Ability to listen to people, determine their needs, and make appropriate referrals.

Ability to exercise sound judgment, tact and courtesy in dealing with people.
Ability to communicate effectively in a variety of environments.

Ability to develop policies and procedures in assigned area of specialty.

Ability to develop, implement, and present training programs for law enforcement.

Ability to work independently within established parameters.

Ability to establish and maintain a positive working relationship with law enforcement agencies, courts, social service agencies and other service providers.

Must be willing to maintain appearance appropriate to assigned duties and responsibilities as determined by the agency appointing authority.

MINIMUM REQUIRED QUALIFICATIONS

Education: Bachelor's degree in psychology, criminal justice, social work, human services, sociology or a related field.

Training in victimology, crisis intervention, counseling techniques, sexual assault, domestic violence, child sexual abuse, homicide and grieving issues.

Experience: Three years' experience in crisis intervention or related work with victims of crime.

SCOPE OF EXAMINATION

Competitive Examination which includes a personal interview.

Finalist must complete pre-employment background, drug testing, medical evaluation, psychological evaluation and polygraph examination.

Special Provisions to the State of New Hampshire Grant Agreement

SPECIAL CONDITIONS

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award. By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts all such assurances or certifications as if personally executed by the authorized recipient official

Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in the Office of Justice Programs ("OJP") taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. The U.S. Department of Justice ("DOJ"), including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2020 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26,

Subrecipient Initials KSC MDW
Date 4/19/21 4/15/21

2014. If this FY 2020 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2020 subaward.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

3. Compliance with DOJ Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The subrecipient agrees to comply with the DOJ Grants Financial Guide.

4. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This

rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

5. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(1), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

6. Requirement to report actual or imminent breach of personally identifiable information (PII)

Any "subrecipient" at any tier must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient)- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130).

The subrecipient's breach procedures must include a requirement to report actual or imminent breach of PII to the New Hampshire Department of Justice, Grants Management Unit by the end of the business day in which the breach becomes known.

7. All subawards ("subgrants") must have specific federal authorization

Any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

8. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000.

The subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000).

This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <http://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

9. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events.

Any subrecipient (subgrantee) at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Post-award Requirements" in the "DOJ Grants Financial Guide").

10. Requirement for data on performance and effectiveness under the award

The subrecipient must collect and maintain data that measure the performance and effectiveness of activities under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

11. OJP Training Guiding Principles

Any training or training materials that any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subrecipient, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>

12. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination -- 28 C.F.R. Part 42

Any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements

in subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

13. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination – 28 C.F.R. Part 54

Any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

14. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination – 28 C.F.R. Part 38

Any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time) specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter I, Part 38, under e-CFR "current" data.

15. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits funds awarded by OJP from being used by any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of federal grant or cooperative agreement, subgrant, contract, subcontract, or loan with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to

this law, including exception that applies to Indian tribes and tribal organizations.

Should any questions arise to whether a particular use of funds by a subrecipient would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

16. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2019)

Any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2019, are set out at <https://ojp.gov/funding/Explore/FY19AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a subrecipient would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

17. Reporting potential fraud, waste and abuse and similar misconduct.

Any subrecipients ("subgrantees") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Fraud Detection Office (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

18. Restrictions and certifications regarding non-disclosure agreements and related matters.

No subrecipient ("subgrantee") under this award, or entity that receives a procurement

contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

- a. In accepting this award, the subrecipient—
 - i. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
 - ii. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.
- b. If the subrecipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--
 - i. it represents that— it has determined that no other entity that the subrecipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
 - ii. it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and
- c. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described

Subrecipient Initials KSC
Date 4/19/21 MAN
4/15/21

above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

19. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The subrecipient at any tier must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The subrecipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

20. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

21. The subrecipient (subgrantees) at any tier, must authorize the Office for Victims of Crime (OVC) and/or the Office of the Chief Financial Officer (OCFO), the New Hampshire Department of Justice (NHDOJ) and its representatives, access to and the right to examine all records, books, paper or documents related to the VOCA grant.

22. VOCA Requirements

Subrecipients assure they will comply with the conditions of the Victims of Crime Act (VOCA) of 1984, sections 1404(a)(2), and 1404(b)(1) and (2), 34 U.S.C. 20103(a)(2) and (b)(1) and (2) (and the applicable program guidelines and regulations), as required. Specifically, the subrecipient certifies that funds under

this award will:

- a) be awarded only to eligible victim assistance organizations, 34 U.S.C. 20103(a)(2);
- b) not be used to supplant State and local public funds that would otherwise be available for crime victim assistance, 34 U.S.C. 20103(a)(2); and
- c) be allocated in accordance with program guidelines or regulations implementing 34 U.S.C. 20103(a)(2)(A) and 34 U.S.C. 20103(a)(2)(B) to, at a minimum, assist victims in the following categories: sexual assault, child abuse, domestic violence, and underserved victims of violent crimes as identified by the State.

23. The subrecipient agrees to submit quarterly performance reports on the performance metrics identified by OVC, and in the manner required by OVC. This information on the activities supported by the award funding will assist in assessing the effects that VOCA Victim Assistance funds have had on services to crime victims within the jurisdiction.

24. Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must—
 - A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the any subrecipient properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1) and (2).
 - B. Notify all persons associated with any subrecipient who are or will be involved in activities under this award of both--
 1. this award requirement for verification of employment eligibility, and
 2. the associated provisions in 8 U.S.C. 1324a(a)(1) and (2) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.
 - C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1) and (2).
 - D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form 1-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient

compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all subrecipient officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-verify

For purpose of satisfying the requirement of this condition regarding verification of employment eligibility, any subrecipient may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the subrecipient uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1) and (2).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

25. Unreasonable restrictions on competition under the award; association with federal government.

SCOPE. This condition applies with respect to any procurement of property or services that is funded (in whole or in part) by this award, whether by any subrecipient at any tier, and regardless of the dollar amount of the purchase or acquisition, the method of procurement, or the nature of any legal instrument used. The provisions of this condition must be among those included in any subaward (at any tier).

1. No discrimination, in procurement transactions, against associates of the federal government

Consistent with the (DOJ) Part 200 Uniform Requirements -- including as set out at 2 C.F.R. 200.300 (requiring awards to be "manage[d] and administer[cd] in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements") and 200.319(a) (generally requiring "[a]ll procurement transactions [to] be conducted in a manner providing full and open competition" and forbidding practices "restrictive of competition," such as "[p]lacing unreasonable requirements on firms in order for them to qualify to do business" and taking "[a]ny arbitrary action in the procurement process") -- no subrecipient, at any tier may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity's status as an "associate of the federal government" (or on the basis of such person or entity's status as a parent, affiliate, or subsidiary of such an associate), except as expressly set out in 2 C.F.R. 200.319(a) or as specifically authorized by USDOJ.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. The term "associate of the federal government" means any person or entity engaged or employed (in the past or at present) by or on behalf of the federal government -- as an employee, contractor or subcontractor (at any tier), grant

subrecipient (at any tier), agent, or otherwise -- in undertaking any work, project, or activity for or on behalf of (or in providing goods or services to or on behalf of) the federal government, and includes any applicant for such employment or engagement, and any person or entity committed by legal instrument to undertake any such work, project, or activity (or to provide such goods or services) in future.

B. Nothing in this condition shall be understood to authorize or require any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

26. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

Any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of any subrecipient. The details of the subrecipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

27. Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

Any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

28. Discrimination Findings

The subrecipient assures that in the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the ground of race, religion, national origin, sex, or disability against a recipient of victim assistance formula funds under this award, the recipient will forward a copy of the findings to the Office for Civil Rights of OJP.

29. The Subrecipient understands that grants are funded for the grant award period noted on the grant award document. No guarantee is given or implied of subsequent funding in future years.

30. Any publications (written, visual or sound), whether published through Federal grant funds or matching funds, shall contain the following statements: "This project was supported by (*enter your federal grant # here*) awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice."

31. The Subrecipient agency agrees that, should they employ a former member of the NH Department of Justice (NHDOJ), that employee or their relative shall not perform work on or be billed to any federal or state subgrant or monetary award that the employee directly managed or supervised while at the NHDOJ for the life of the subgrant without the express approval of the NH DOJ.

32. The Subrecipient **must utilize volunteers** to assist in providing VOCA allowable victim services unless extenuating circumstances justify the exclusion of volunteers, and a volunteer waiver is obtained from the NHDOJ.

33. The Subrecipient agrees to assist victims in applying for Victims Compensation benefits. Such assistance includes: identifying eligible victims; making reasonable efforts to notify eligible victims of the availability of compensation; making reasonable efforts to explain the program to victims; offering to assist victims with the application process when it is reasonable to do so.

34. The Subrecipient understands that VOCA **non-allowable** personnel activities include: general administration, prevention, active investigation and prosecution of criminal activities, research and studies, lobbying, capital expenses, compensation for victims of crime and fundraising.

35. The Subrecipient agrees that all services will be provided at no charge to victims

unless a program income waiver is obtained from the NHDOJ. If permission to generate program income is granted, the Subrecipient agrees that there must be a sliding scale that starts at zero, and that all program income will be totally expended on grant allowable activities by the end of the funding cycle.

36. Equipment purchased with VOCA funds shall be listed by the Subrecipient on the agency inventory. The inventory must include the item description, serial number, cost, percentage of federal VOCA funds, and location. The Subrecipient agrees that the title to any equipment purchased with VOCA funds will revert back to the NHDOJ, Grants Management Unit, when it is no longer being used for the VOCA program purposes for which it was acquired.
37. The Subrecipient agrees that if a financial audit of the agency is performed, whether it be an audit under 2 CFR or not, the Subrecipient agrees to provide a copy of the audit and any associated management letters to the NHDOJ, Grants Management Unit. The Single Audit report must be submitted to the Grants Management Unit within 9 months after the subrecipient's year-end or one month after the issuance of the audit, whichever is sooner.
38. Subrecipients of federal funding from the NHDOJ are required to comply with all federal regulations that relate to non-discrimination. These requirements are specified in United States Code of Federal Regulation Title 28, sections 35, 38, 42 and 54. Individuals who believe they may have been discriminated against by the NHDOJ or by an organization that receives federal funding from the NHDOJ based on their race, color, national origin, religion, sex, disability, age, sexual orientation or gender identity should print and complete a Discrimination Complaint Form found at <https://www.doj.nh.gov/grants-management/civil-rights.htm>.
39. The Subrecipient, if a non-profit organization, agrees to make its financial statements available online (either on the subrecipient's website, or the NHDOJ's, or another publicly available website). Organizations that have Federal 501 (c) 3 tax status are considered in compliance with this requirement, with no further action needed, to the extent that such organization files IRS Form 990 or similar tax document (e.g., 990-EZ), as several sources already provide searchable online databases of such financial statements.
40. The Subrecipient, if a non-profit organization, must certify their non-profit status by submitting a statement to NHDOJ: 1) affirmatively asserting that the recipient is a non-profit organization and 2) indicating that the subrecipient has on file and available upon audit one of the following:
 - A copy of the organization's 501 (c) 3 designation letter, or:

Subrecipient Initials KSC MDW
Date 4/19/21 4/15/21

- A letter from the State of NH stating that the subrecipient is a non-profit organization operating within the state, or:
- A copy of the sub-grantee's state certificate of incorporation that substantiates its non-profit status

Subrecipient that are local non-profit affiliates of state or national non-profits should also have a statement by the parent organization that the Subrecipient is a local non-profit affiliate.

41. Certification Regarding EEOP Required:

If required, within 30 days from the date of the award, the Subrecipient will submit for approval, an acceptable Equal Employment Opportunity Plan (EEOP) as required by 28 CFR 42.301 et seq. or a Certification Form to both the NH DOJ and the Office of Civil Rights, Office of Justice Programs, US DOJ at 810 7th Street, NW, Washington, DC 20531. Failure to submit an approved EEOP or Certification is a violation of the Program Guidelines and Conditions and may result in suspension or termination of funding, until such time as the Subrecipient is in compliance. **The EEOP reporting tool and instructions can be found at: https://ojp.gov/about/ocr/faq_eeop.htm**

42. Compensation for individual consultant services is to be reasonable and consistent with that paid for similar services in the marketplace. The current consultant limit is \$650 per day or \$81.25 per hour. When the rate exceeds the limit for an 8-hour day, or a proportionate hourly rate (excluding travel and subsistence costs), a written prior approval is required. Prior approval requests require additional justification.

I have read and understand all 42 special provisions contained in this document:

Karen S. Conard, City Manager

Name and Title of Authorized Representative

[Signature]

4/15/2021

Signature

Date

City of Portsmouth, 1 Jenkins Avenue, Portsmouth, NH 03801

Name and Address of Agency

Mark Newport, Chief of Police

[Signature]
Signature

4/15/21
Date

Portsmouth Police Department, 3 Jenkins Ave
Portsmouth NH 03801

Subrecipient Initials

KSC

Date

4/15/21

MDN

4/15/21

Special Condition: Determination of Suitability to Interact with Participating Minors Acknowledgement Form

Please reference the attached document: Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors and your award special conditions for added clarification in completing this document.

1. Is the purpose of some or all of the subaward activities to benefit minors?
(If *No*, a detailed explanation is required. Then skip to the end, sign, and return this form)

Yes No

Reference information from Special Conditions: Determine whether the *purpose of some or all of the activities to be carried out under the award is to benefit a set of individuals under 18 years of age.*

2. Has your organization made a written determination of the suitability of every covered individual who is reasonably likely to interact with any participating minors in the course of activities under the award?

Yes No (If *No*, please include explanation or timeline for completion)

Reference information: *The recipient and any subrecipient at any tier may not permit any covered individual to interact with any participating minor in the course of activities under the award, unless the recipient or subrecipient first made a written determination of the suitability of that individual to interact with participating minors, based on the current and appropriate information, and taking into account specified factors and considerations.*

A covered individual is any individual who is expected or reasonably likely, to interact with any participating minors in the course of activities funded under the award.

This condition only applies to staff whose activities are carried out under this award whether paid for with federal funds from the award or "matching" funds included in the approved budget for the award or "program income" for awards as defined by the Part 200 Uniform Requirements"

This condition does not apply to staff/individuals who interact with minors for activities not carried out under the award.

Covered individuals are not other participating minors, another client, or a minor's parent.

Interaction includes physical contact, oral and written communication, and the transmission of images and sound, and may be in person or by electronic (or similar) means. But "interaction" does not include--

(1) brief contact that is both unexpected by the recipient (or subrecipient) and unintentional on the part of the covered individual -- such as might occur when a postal carrier delivers mail to an administrative office.

(2) personally-accompanied contact -- that is, infrequent or occasional contact (for example, by someone who comes to make a presentation) in the presence of an accompanying adult, pursuant to written policies and procedures of the recipient (or subrecipient) that are designed to ensure that -- throughout the contact -- an appropriate adult who has been determined to be suitable pursuant to this condition will closely and personally accompany, and remain continuously within view and earshot of, the covered individual.

3. Have all determinations of suitability been based on searches and checks listed in the Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors?

Yes No (If No, please include explanation or timeline for completion)

Reference information: *Includes the results of all required searches listed below, each of which must be completed no earlier than six months before the determination regarding suitability.*

(1) Public sex offender and child abuse websites/registries

A search (by current name, and, if applicable, by previous name(s) or aliases), of the pertinent and reasonably accessible federal, state, and (if applicable) local and tribal sex offender and child abuse websites/public registries,

(a) the Dru Sjodin National Sex Offender Public Website (www.nsopw.gov);

(b) the website/public registry for each state (and/or tribe, if applicable) in which the individual lives, works, or goes to school, or has lived, worked, or gone to school at any time during the past five years; and

(c) the website/public registry for each state (and/or tribe, if applicable) in which the individual is expected to, or reasonably likely to, interact with a participating minor in the course of activities under the award.

(2) Criminal history registries and similar repositories of criminal history records

For each individual at least 18 years of age who is a covered individual under this FY 2019 award, a fingerprint search (or, if the recipient or subrecipient documents that a fingerprint search is not legally available, a name-based search, using current and, if applicable, previous names and aliases) -- encompassing at least the time period beginning five calendar years preceding the date of the search request -- of pertinent state (and, if applicable, local and tribal) criminal history registries or similar repositories,

4. If a fingerprint –based search of the criminal registries was not legally available, has your organization (a) documented this and (b) completed a name based search?

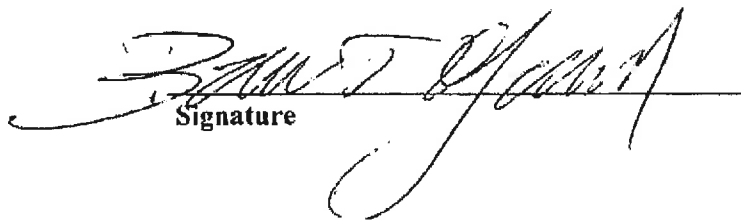
Yes No (If No, please include explanation) N/A

5. Has your organization reexamined the determinations at least every 5 years or upon learning of information that reasonably may suggest unsuitability and, if appropriate, modified or withdrawn that determination?

Yes No (If No, please include explanation or timeline for completion)

Brianne Deyermond Victim Advocate
Form Completed by: Name/Title-Printed

Portsmouth Police Dept
Organization NH


Signature

03/31/2021
Date

- ⚠ ALERT: Each entity registration expiring between April 1 and September 30, 2021 will have an additional 180 days added to its expiration date. Read more about the extension on [Interact](#)
- ⚠ ALERT: SAM.gov will be down for scheduled maintenance Saturday, 05/15/2021 from 8:00 AM to 1:00 PM.

Search Results

- Your search results represent the broadest set of records that match your search criteria. You may get entity registration records that are still in progress or have been submitted, but not yet activated. Check the status of each record.
- Of note, some entities choose to opt out of public display. Even if they are registered in SAM, you will not see their entity registration records in a public search. You can only see them if you log in as Federal Government user.
- You can refine your search results. If you used the Quick Search, select the search filters on this page. If you used one of the Advanced Search options, select the Edit Search button.
- If you want to perform a new search, use the Clear button to remove your current search results. If you are logged in with your SAM User Account, you can save your search criteria to run again later using the Save Search button.
- NOTE: Please read this important message when searching for exclusion records.**

Quick Search Results

Clear Search

Total records: 1 Save PDF Export Results Print

Result Page: 1 Sort by: Relevance Order by: Descending

FILTER RESULTS Your search returned the following results...

By Record Status

- Active
- Inactive

By Record Type

- Entity Registration
- Exclusion

Apply Filters

Entity: CITY OF PORTSMOUTH	Status: Active
DUNS: 073976706	CAGE Code: 44535
Has Active Exclusion?: No	DoDAAC:
Expiration Date: 07/02/2021	Debt Subject to Offset?: No
Purpose of Registration: Federal Assistance Awards Only	

[View Details](#)

Result Page: 1 Save PDF Export Results Print

APPLICATION CHECKLIST

Please be sure that the following sections are completed and returned with your VOCA grant application. Please return a completed copy of this checklist with your application.

Documents/Attachments due with the application:

- General Information Cover Page (Section 1)
- Application Narrative (Section 2)
- Budget Itemization (Section 3)
- Budget Narrative (Section 3)
- Audit FY20 Single Audit, if agency expends \$750,000 or more in federal funds
- N/A IRS 990 (non-profits)

To Do SAR data will need to be submitted in the OVC PMT system by 6/1/2021

- Application Checklist
- Resume and job descriptions of grant funded staff
- Signed Special Conditions
- Review subgrant requirements for civil rights at:
<https://www.doj.nh.gov/grants-management/civil-rights.htm>

Please submit your completed application electronically

by April 16, 2021 to:

Grants.Apps@doj.nh.gov

If you have any questions regarding this application kit or the application process, please feel free to contact your grant manager:

- Tanya Pitman at (603) 271-1261 or email: Tanya.L.Pitman@doj.nh.gov or
- Rhonda Beauchemin at (603) 271-7820 or e-mail: Rhonda.Beauchemin@doj.nh.gov

For general grant information you may access our webpage at www.doj.nh.gov. Thank you for your interest in providing services to Victims of Crime in New Hampshire.



CITY OF PORTSMOUTH

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

Karen S. Conard
City Manager

Date: April 29, 2021

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 May 3, 2021

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

A. Public Hearing and Second Reading of Ordinance Amending Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability:

In its ongoing effort to ensure compliance with applicable City Ordinances, the Parking Division deploys a citation protocol with a view to encouraging residents and visitors to pay the meter system for the use of City-managed parking inventory. This protocol includes patrolling the City's parking spaces to ensure payment, and to issue parking citations when payment is not made, or a driver has allowed their session to expire without renewal. The current fine structure was last revisited in 2013.

The Parking Division recognizes that the City's fine structure no longer encourages the desired behavior, particularly as it pertains to the new daily maximum rates under the Stay and Pay system. Out-of-town guests who find a \$15 citation on their vehicle are now more prone than before to simply skip payment for the remainder of the day, rather than be encouraged to either vacate the space or continue their parking session. Additionally, research of surrounding towns shows that Portsmouth lags behind peer averages in several violation categories.

To address this ongoing issue, the Parking Division initially recommended revisiting the fine structure in March 2020 to modify the four most-utilized citation categories. Those recommendations were brought before the Parking and Traffic Safety Committee (PTSC) on March 5, 2020, resulting in a unanimous vote to forward to the City Council for first reading on March 16th prior to the COVID-19 outbreak, which put this item on hold.

The request to update the fine structure was scheduled for first reading at the February 8, 2021 City Council meeting through an amendment to Chapter 7, Article IX, Section 7.901, Penalties, Forfeitures and Separability.

The proposed amendment recommended changes to the four most utilized citation categories of parking fines: session expired; parking in no parking area; emergency snow ban and commercial loading zone.

The amendment proposed increasing those fines to \$50, and after 30 days, to \$75 or \$100. The proposed amendment to Chapter 7, Article IX, Section 7.901 did not pass first reading on February 8, 2021. Council members noted they received comments from citizens concerned about the amount of the proposed increase to these parking fines and voted unanimously to refer the proposed parking fine schedule to the PTSC for a report back.

After receiving public comment, the PTSC reviewed the proposed fines for session expired, parking in no parking area, emergency snow ban and commercial loading zone at its March 8, 2021 meeting. After discussion, the PTSC voted unanimously to recommend that the parking fines for session expired, parking in no parking area, emergency snow ban and commercial loading zone be increased to \$35, and if not paid in 30 days, increased to \$55. The PTSC also acknowledged the need to review additional parking violations including safety related violations and enhanced penalties for frequent offenders at a future meeting.

The Fee Committee reviewed the PTSC's recommendations to increase parking fines as set forth above at its March 29, 2021 meeting. The Fee Committee voted unanimously to endorse these recommendations to the City Council to increase the parking fines as described in the [attached schedule](#).

The [attached amendment to Chapter 7, Article IX](#) has been changed since presented at the April 5th Council meeting. Some housekeeping amendments have been removed because the ordinance is going back to PTSC for review of the ordinance as a whole in order to simplify the ordinance, delete obsolete sections and recommend penalties for safety violations and repeat offenders. The [attached amendment](#) includes the proposed fine increases and updates the current section numbers and titles, lists the amount each penalty will increase after 30 days and references parking violations that were in other sections of Chapter 7 but were not included in the penalty section.

On April 19th the City Council moved to schedule a public hearing and second reading at this evening's meeting.

I recommend that the City Council move to schedule a third and final reading at the May 17, 2021 City Council meeting.

XIV. Approval of Grants/Donations:

A. Wellness Reward - \$150:

HealthTrust has sent the City of Portsmouth \$150 as a reward for increasing our participation in the Slice of Life Wellness program by 2% in 2020.

The goal of the HealthTrust Wellness program, Slice of Life, is to reduce health risk factors and promote a healthier lifestyle of our employees. To realize this goal, the City, through its Wellness program, will provide health and safety initiatives, as well as education to its employees in an effort to improve the quality of their lives. This money will be used to promote wellness activities throughout the City.

I recommend that the City Council move to approve and accept the reward of \$150 from HealthTrust.

B. Acceptance of Grant from the NH Department of Safety for the Police Department - \$15,392.26:

A grant in the amount of \$15,392.26 has been awarded to the Police Department from the NH Department of Safety for night vision equipment. The Board of Police Commissioners approved and accepted this grant at its April 22, 2021 Commission meeting.

I recommend that the City Council move to approve and accept the grant for the Police Department from the NH Department of Safety in the amount of \$15,392.26 as presented.

C. Acceptance of Grant from the NH Department of Justice for the Police Department - \$24,759:

A grant in the amount of \$24,759 from the NH Department of Justice through the “Victims of Crime Act” (VOCA grant) is in the pipeline. This grant is for expenses incurred and services provided for direct victim services, to include expenses for personnel. Based on the tight deadlines of the grant, the Police Department is looking for approval “pending funding.”

The Board of Police Commissioners approved and accepted this pending grant funding at its April 22, 2021 Commission meeting.

I recommend that the City Council move to approve and accept the pending grant funds for the Police Department from the NH Department of Justice in the amount of \$24,759 as presented.

D. Acceptance of Donation of Two Animal Carriers from Port City Veterinary Referral Hospital for the Police Department:

A donation of two (2) animal carriers from Port City Veterinary Referral Hospital by Ethos has been made to the Police Department to be used by the Animal Control Officer. The Board of Police Commissioners approved and accepted this donation at its April 22, 2021 Commission meeting.

I recommend that the City Council move to approve and accept the donation of two animal carriers for the Police Department and Animal Control Officer.

XV. City Manager’s Items which Require Action:

1. Portsmouth Waterfront, LLC’s Temporary Construction License Request for 10 State Street:

The City has received the attached request from Portsmouth Waterfront, LLC for a temporary construction license to use the dead end area at the end of State Street/alley between 10 State Street and Prescott Park for work associated with improvements to Unit B at 10 State Street.

Portsmouth Waterfront, LLC currently has an encumbrance permit, but the encumbrance will go beyond 30 days so a license is required under City Council Policy No. 2018-02, “License Fee for Encumbrance of City Property.” The license area is shown on the [attached plan](#).

The total license area is 1,000 square feet. Per City policy, the license fee to encumber City property is \$.05 per square feet. The term of the license is from May 15, 2021 through December 31, 2021, for a total of 231 days. The total cost for encumbering City land during the term of the license is \$11,550.

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

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

I recommend that the City Council move that the City Manager be authorized to execute and accept the temporary construction license regarding 10 State Street as submitted.

2. **Chevrolet Avenue Sidewalk Easements:**

In response to resident requests and referral from the Parking and Traffic Safety Committee, the Department of Public Works is designing a new sidewalk on Chevrolet Avenue between Cass Street and the apartments recently completed by Chinburg Properties. This sidewalk is critical to address pedestrian safety concerns. In order to construct the sidewalk the City needs to secure rights to a section of land that is currently owned by the Malt House Exchange. Based on a recent boundary survey, the City determined that a section of the City’s original road right-of-way includes the Malt House Exchange parking lot. On February 24, 2021 a meeting was held with Gary Dziama, the property owner, and his property manager, Sandy Dewing, to discuss the possibility of a land swap. Based on that meeting, the property owner preliminarily agreed to an easement swap that will enable the City to construct the sidewalk. In exchange for roughly 2,547 square feet of area to be granted by the City, the City would acquire access to roughly 3,002 square feet of area.

The [attached construction plan](#) shows the location of the proposed sidewalk. [Also attached is the easement plan](#) depicting the proposed release of easement and acquisition of easement from Malt House Exchange.

At the April 5, 2021 City Council meeting, the Council voted to refer the proposed easements to the Planning Board for a recommendation. At the April 22, 2021 Planning Board meeting, the Board voted to recommend that the City Council approve the proposed easements.

Therefore, the Planning Department, Public Works Department, and Legal Department propose the following motion:

I recommend that the City Council authorize the City Manager to convey and acquire interests in land necessary to construct a sidewalk in substantially similar form to the sidewalk depicted on the attached construction plan.

3. **Request to Schedule Public Hearing Regarding Indigenous Peoples' Day:**

In a letter to the City Council dated January 22, 2021, WE Speak NH Listens, a student group at Portsmouth High School, requested a public hearing for the City Council to consider their proposal for the City to change Columbus Day to Indigenous Peoples' Day.

At the April 17, 2021 City Council meeting, the City Council unanimously voted to hold a public hearing for the City of Portsmouth to recognize Indigenous Peoples' Day each year instead of what has been typically designated by the State of New Hampshire as Columbus Day.

As shared by School Board Chair Kristin Jeffrey, the ideal date for the public hearing would be May 17th, as it is the last regular meeting of the City Council before the festivities involving the Senior Class and graduation week.

I recommend that the City Council move to schedule a public hearing at the May 17, 2021 City Council meeting.

4. **One-Year Extension of Operating and Lease Agreement with SIPP:**

For consideration is a one-year extension of the current agreement between the City and Save the Indoor Portsmouth Pool (SIPP) relative to the lease and operation of the Portsmouth Indoor Pool. A copy of that [proposed one-year extension is attached](#). A one-year extension is recommended in order to facilitate both the scheduled repairs and the reopening of the pool in the early fall of 2021. The SIPP board has unanimously approved this draft of the one-year extension.

By way of background, the City first entered into a Consolidated Lease and Operations Agreement to Maintain the Portsmouth Public Pool in 2011. That five-year agreement was renewed in 2016. Both the initial [Agreement and the Renewal instrument are also attached](#). SIPP has met its obligations over the last ten years and helped make over half a million dollars in investments.

City staff has been communicating regularly with SIPP representatives since Covid-19 forced the closure of the Portsmouth Indoor Pool. The City staff spent the fall of 2020 investigating a leak in the Portsmouth Indoor Pool, a situation that was difficult to diagnosis. In consultation with SIPP, and recognizing the value of doing a more comprehensive needs assessment while the pool was closed, the City late last year engaged a consultant to do a complete review of the short-term and long-term needs of the Portsmouth Indoor Pool. In short, there is a lot of life in the building and infrastructure, but there are some updates and code improvements that should be made over time.

A one-year extension of the current agreement will allow SIPP and the City an opportunity to get the pool up and running again and then time to evaluate the longer term recommended improvements to the building and the needs of the community. City staff is available to answer questions.

I recommend that the City Council move to authorize the City Manager to enter into the one-year extension of the agreement between the City and SIPP as presented.

XVIII. City Manager's Informational Items:

1. **Vaccination Update from Fire Chief Todd Germain:**

Please [find attached a memorandum provided by Chief Germain](#) regarding the City of Portsmouth's vaccination efforts.

**Portsmouth Waterfront, LLC
PO Box 432
Stratham, NH 03885**

March 30, 2021

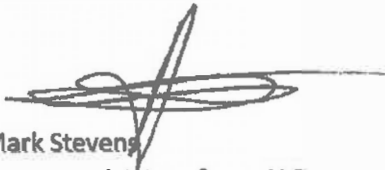
City Manager's Office
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

**RE: Request for License Agreement (10 State Street, Unit B, Portsmouth, NH)
Encumbrance of City Property Permit or License # ENCM-21-21**

We are requesting a License Agreement when our Encumbrance Permit expires after the standard 30-day period. We are in need of this License Agreement until December 31, 2021. Of note, this is for a dead-end area between the garage at 10 State Street and the railing by the water, as such per Jason Page we do not require police or flag detail at this location.

If you would please consider this request at your next meeting, we would be appreciative. Feel free to call me at 603-502-3395 with any questions or I can be reached via email at mstevens@pipersproperty.com.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Mark Stevens', with a long horizontal line extending to the right.

Mark Stevens
Portsmouth Waterfront, LLC

10 State Street Encumbrance Area



LICENSE AGREEMENT
PORTSMOUTH WATERFRONT, LLC

The City of Portsmouth (hereinafter "City"), a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to Portsmouth Waterfront, LLC (hereinafter "Licensee") with a principal place of business at P.O. Box 432, Stratham, NH 03885, pursuant to the following terms and conditions:

1. **Areas of License and Use:** The Owner owns the land, with buildings and other improvements thereon, in the City of Portsmouth, Rockingham County, State of New Hampshire, located at 10 State Street, shown on the City of Portsmouth's Assessor's Map as Tax Map at Map 0105, Lot 0004. ("Property"). For the Owner's title to the Property, see Rockingham County Registry of Deeds at Book 6164, Page 79.

The City authorizes Licensee to temporarily use approximately 1,000 square feet of City property which is an alley located between the Property and Prescott Park as more particularly described in the attached Exhibit A, and as follows:

2. **Use:** Licensee shall make use of the License Areas for the purpose of construction parking in order to construct improvements to 10 State Street, Unit B.
3. **Term:** The license for the License Area shall be from May 15, 2021 through December 31, 2021 for a total of 231 days. Licensee may make application to the City Manager for an extension of this term, not to exceed an additional six (6) months, should Licensee, in spite of due diligence in the construction of the project, require additional time to complete the project. Owner shall be responsible for applicable license fees associated with any extension of the term.

Licensee may terminate this License prior to the end of the term by returning License Area to safe and effective use by the public prior to the expiration of the term of this License. Licensee shall contact the Director of Public Works for a determination that the License Area has been returned to safe and effective use. Failure to remove all vehicles, barriers, materials and equipment and to return the License Area to the City in the

manner prescribed under this License by the end of the term may result in enforcement action by the City.

4. **Notice:** Licensee shall provide notice to the City's Director of Public Works when Licensee returns the License Area to the City's control and use. Failure to remove all vehicles, barriers, materials and equipment and to return the License Area to the City in the manner prescribed under this License at the end of the term may result in enforcement action by the City.
5. **License Fees:** The Owner shall pay to the City license fees in accordance with City Council Policy No. 2018-02 entitled "License Fee for Encumbrance of City Property". The License Fee Policy provides that the Owner will be charged a daily fee for each metered parking space encumbered by this License as determined by the fee schedule.
6. **License Area:** This License Area includes approximately 1,000 square feet of City property which is located between the subject Property and Prescott Park as shown and more particularly described in Exhibit A.

The daily fee is \$0.05 per square foot per day for 1,000 square feet is \$50 per day. The daily License Fee will be paid for the 231 day License Term for a total License Fee of **\$11,550**.

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

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

7. **Indemnification:** Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury or personal injury which arises as a result of its utilization of the Licensed Areas. This obligation survives termination or revocation of this Agreement.
8. **Insurance:** At all times the Licensee shall maintain insurance for bodily injury and property damage in the amount of at least \$1,000,000 per occurrence. Licensee will provide proof of insurance to the City during the term of this Agreement and will name the City as an additional insured.

9. **Maintenance of Area:** During the term of this Agreement, Licensee shall maintain the License Area in a safe, neat and orderly fashion and shall take such actions as are necessary to protect the public safety. The Licensee shall secure the perimeter of the License Area and take such other measures as may be necessary for pedestrian and vehicular safety during use of the Licensed Areas.
10. **Damage:** Licensee agrees to remedy any damage to the License Area caused by the Licensee's activities. The work will be performed by Licensee to City specifications and survive the terms of this License Agreement. The City may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.
11. **Compliance with Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state or federal laws or regulations or conditions imposed by any local board. Failure to abide by any local, state or federal laws or regulations or any condition of site plan and may at the City's discretion, result in revocation.
12. **Revocation:** The City may terminate this Agreement or any provision contained in this agreement on 72 hours written notice provided if Licensee fails to meet the terms and conditions of this License or if the public interest requires such termination. No 72 hour written notification is required by the City if it is an emergency.
13. **Contractor and Subcontractor Parking:** Licensee understands and agrees that its contractors and subcontractors for the project shall not use on-street parking. Language will be inserted in Licensee's vendors and suppliers Purchase Orders and Trade Subcontracts that make the prohibition against parking on City streets mandatory. Contractor shall limit/ manage construction vehicles and deliveries to avoid disruption to businesses, particularly during the holiday season. Contractor may use loading zones for active loading and unloading of materials, equipment and tools.

Dated this _____ day of _____, 2021

City of Portsmouth

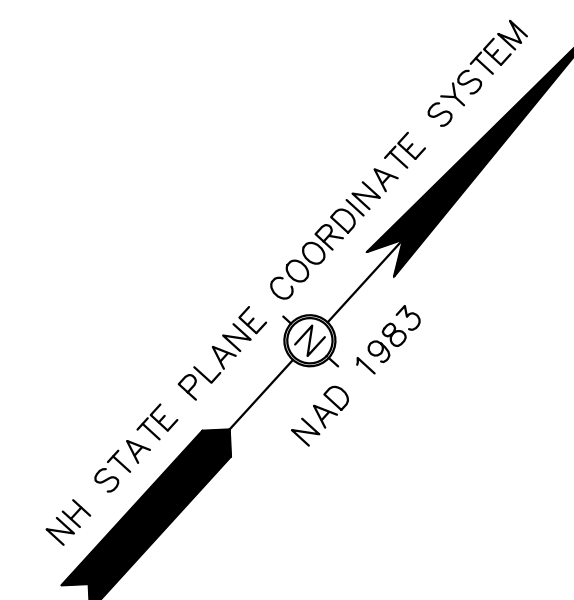
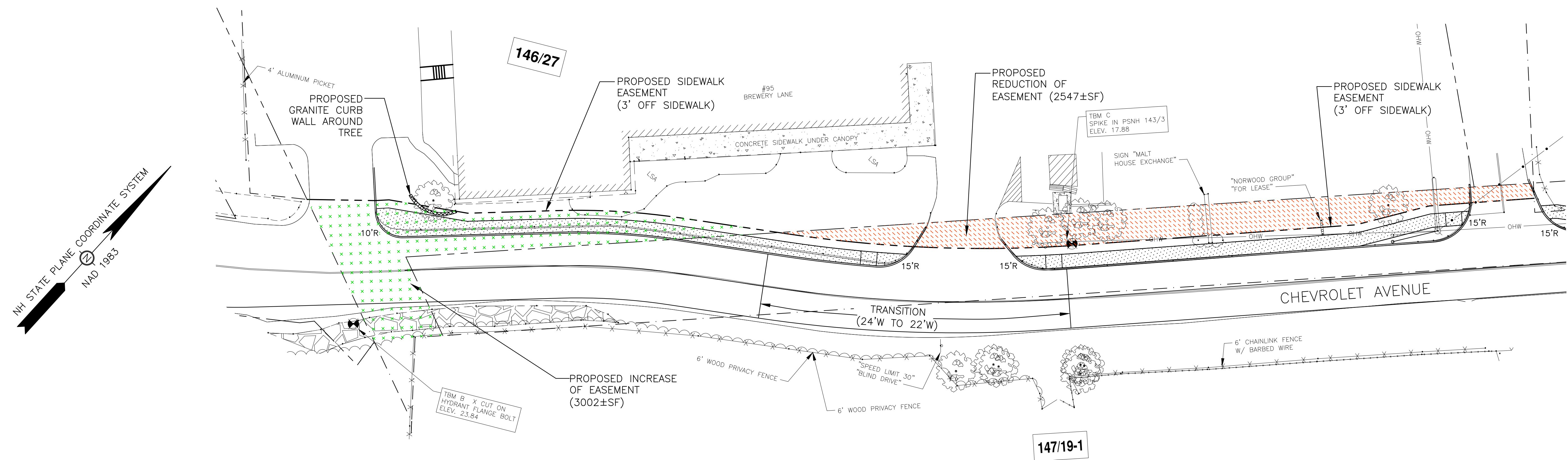
By: _____
Karen Conard
City Manager

Pursuant to vote of the City Council
of _____

Dated this _____ day of _____, 2021.

Portsmouth Waterfront, LLC.

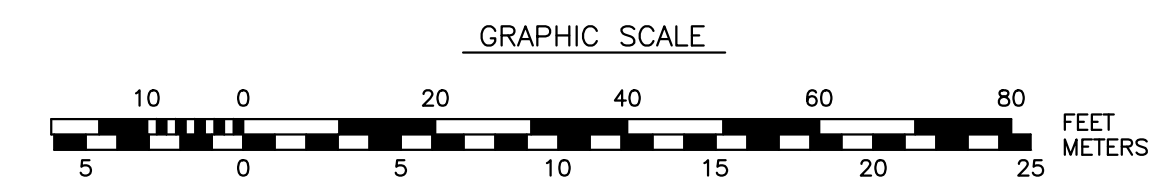
By: _____



LEGEND:

EXISTING	PROPOSED	
---	---	PROPERTY LINE
---	---	EASEMENT LINE
---	---	EDGE OF PAVEMENT
	[Stippled Box]	SIDEWALK (CONCRETE)
[Cross-hatched Box]		RETAINING WALL
[Shrub Symbol]		SHRUB
[Tree Symbol]		TREE
	[Green Cross-hatched Box]	PROPOSED ADDED EASEMENT
	[Red Diagonal-hatched Box]	PROPOSED REDUCED EASEMENT

DRAFT
04/27/2021



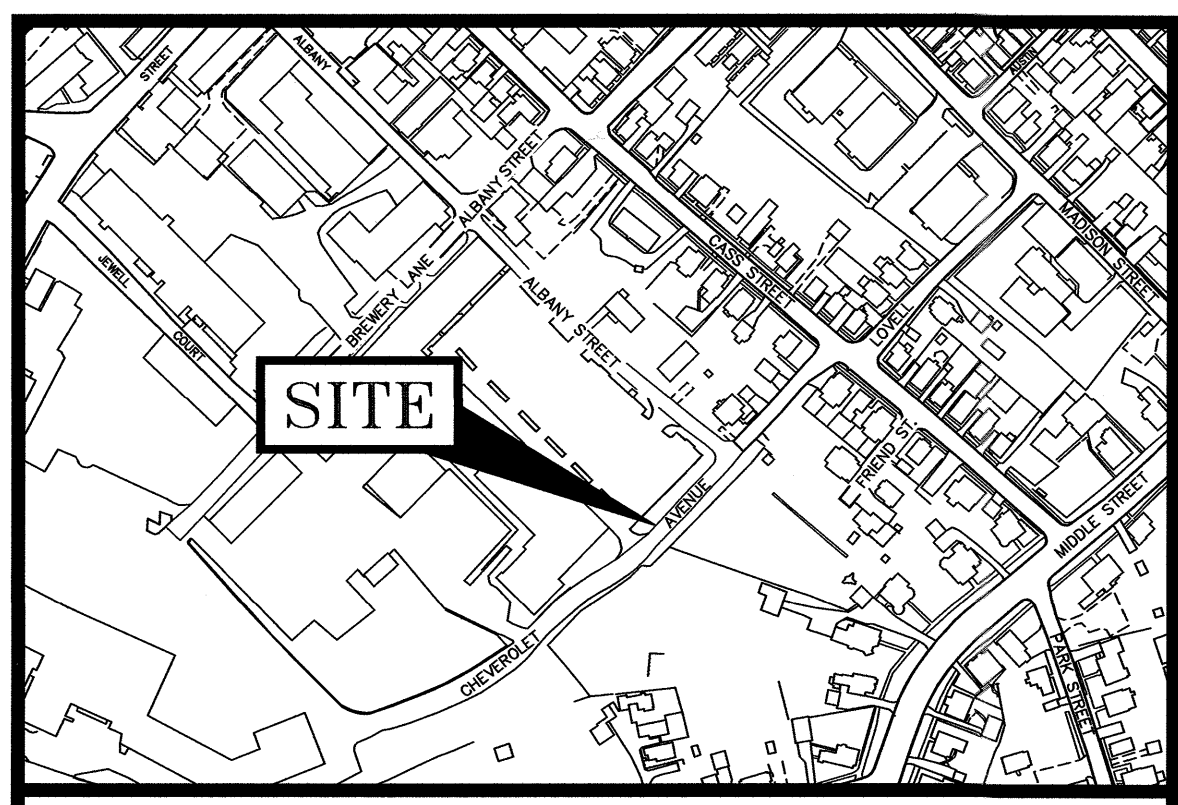
NO.	DESCRIPTION	DATE
B	DRAFT - ISSUED FOR REVIEW	04/27/21
A	ISSUED FOR REVIEW	02/11/21
	APPD	

DATE: APRIL 2, 2020
SCALE: AS SHOWN
PROJECT NO.: COP-016
MARC R. BATCHELDER, PE
ENGINEER OF RECORD

FOR:
City of Portsmouth
Chevrolet Avenue
Sidewalk

Seaport Engineering, LLC
PORTSMOUTH, NH
(603) 498-8449
www.seaporteng.com

TITLE:
CONCEPTUAL PLAN &
EASEMENT AT
MALT HOUSE EXCHANGE



LEGEND:

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- RCRD ROCKINGHAM COUNTY
- REGISTRY OF DEEDS
- RR SPK RAILROAD SPIKE
- MAP 11/LOT 21
- IR FND IRON ROD FOUND
- IP FND IRON PIPE FOUND
- IR SET IRON ROD SET
- DH FND DRILL HOLE FOUND
- DH SET DRILL HOLE SET
- NHHB NHDOT BOUND FOUND
- TB TOWN BOUND
- BND w/DH BOUND WITH DRILL HOLE
- ST BND w/DH STONE BOUND WITH DRILL HOLE

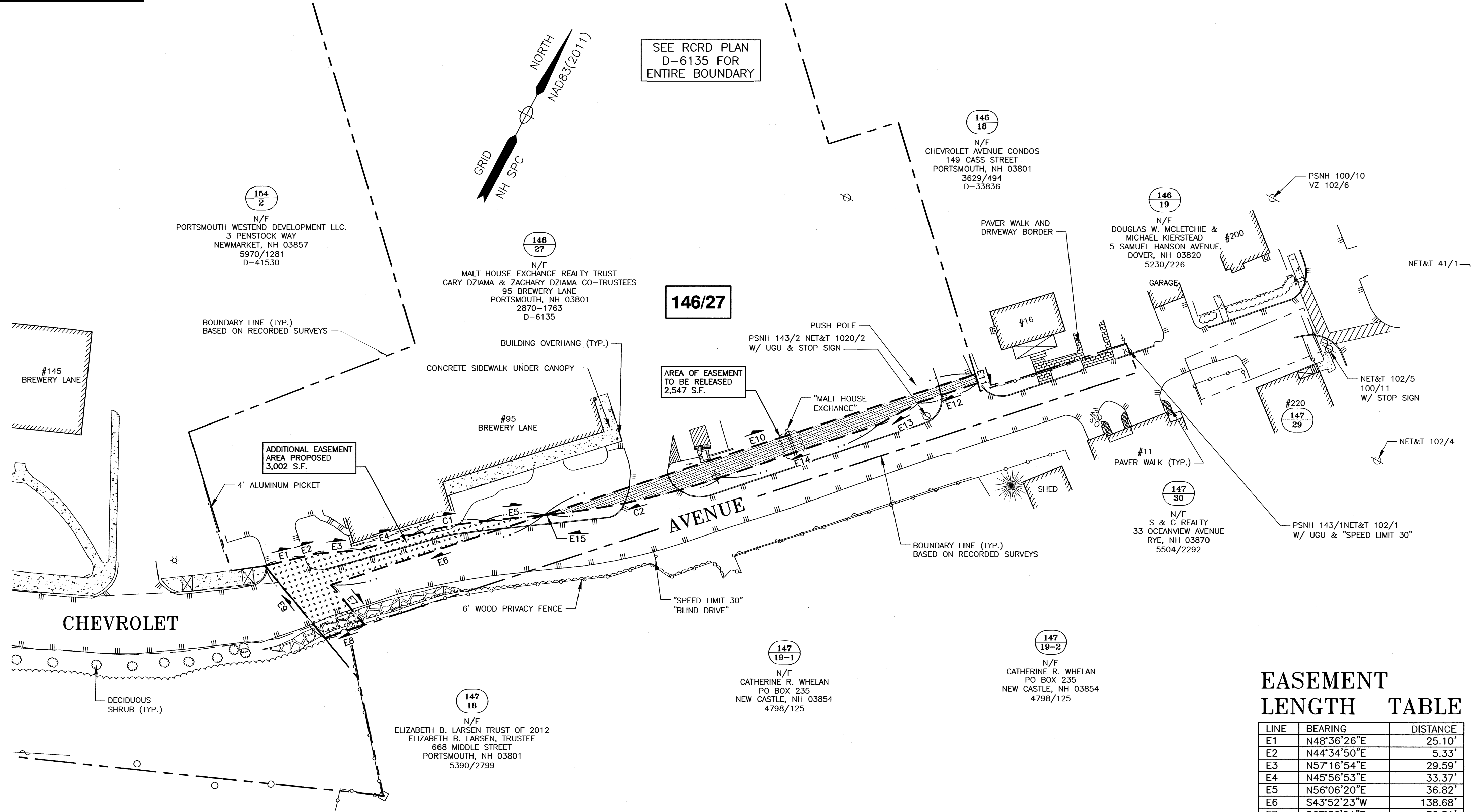
LOCATION MAP SCALE: 1" = 300'

AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 200 Griffin Road - Unit 3
 Portsmouth, N.H. 03801-7114
 Tel (603) 430-9282
 Fax (603) 436-2315

CM Action Item #2

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 146 AS LOT 27.
- 2) OWNERS OF RECORD IN THE AREA OF INTEREST:
 MAP 146 LOT 27
 MALT HOUSE EXCHANGE REALTY TRUST
 GARY DZIAMA & ZACHARY DIZAMA, CO-TRUSTEES
 95 BREWERY LANE
 PORTSMOUTH, NH 03801
 2870-1763
 D-6135
- 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
- 4) EXISTING LOT AREAS:
 MAP 146 LOT 27
 179,160 S.F.
 4.1129 ACRES
- 5) PARCEL IS LOCATED IN THE CHARACTER DISTRICT 4-W (CD4-W) AND WEST END INCENTIVE OVERLAY DISTRICT (WEI OVERLAY).
- 6) THE PURPOSE OF THIS PLAN IS TO SHOW THE LOCATION OF AN EASEMENT TO BE RELEASED AND A PROPOSED EASEMENT TO BE CREATED IN THE CHEVROLET AVENUE CORRIDOR.



SEE RCRD PLAN D-6135 FOR ENTIRE BOUNDARY

146/27

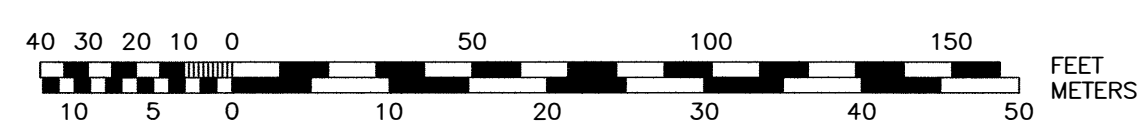
EASEMENT LENGTH TABLE

LINE	BEARING	DISTANCE
E1	N48°36'26"E	25.10'
E2	N44°34'50"E	5.33'
E3	N57°16'54"E	29.59'
E4	N45°56'53"E	33.37'
E5	N56°06'20"E	36.82'
E6	S43°52'23"W	138.68'
E7	S67°36'21"E	32.51'
E8	S43°50'38"W	25.84'
E9	N67°37'24"W	58.01'
E10	N43°52'23"E	280.66'
E11	S45°00'22"E	5.64'
E12	S43°26'21"W	39.07'
E13	S33°09'46"W	28.03'
E14	S43°26'21"W	102.49'
E15	S56°06'20"W	3.67'

CURVE TABLE

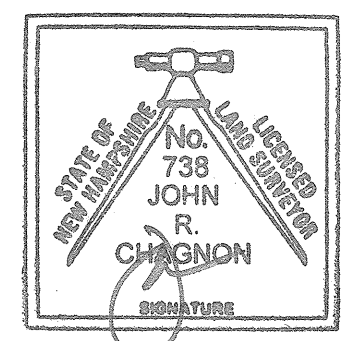
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	258.50'	45.83'	45.77'	N51°01'37"E	10°09'27"
C2	491.50'	108.66'	108.44'	S49°46'20"W	12°39'59"

GRAPHIC SCALE



"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

John R. Chagnon
 JOHN R. CHAGNON, LLS DATE 3.22.21



**PROPOSED EASEMENT PLAN
 CHEVROLET AVENUE**
 FOR:
**THE
 CITY OF PORTSMOUTH**
 LOCATION:
 CHEVROLET AVENUE
 CITY OF PORTSMOUTH
 COUNTY OF ROCKINGHAM
 STATE OF NEW HAMPSHIRE

January 22, 2021

Dear City Manager Connard and City Clerk Barnaby,

On behalf of the *We Speak NH Listens* student group at Portsmouth High School, I am writing to request a Public Hearing on March 8, 2021 be added to the Portsmouth City Council meeting.

On October 5, 2020, members of *We Speak* shared our thoughts and the proposal for the City of Portsmouth to change Columbus Day to Indigenous Peoples' Day in future written documents and calendars (including city and school calendars). As of now, we have garnered the support of over 925 fellow citizens through a petition who also support this change. In November, with a unanimous vote 9-0, the Council passed a friendly amendment that the City recognize Indigenous Peoples' Day alongside Columbus Day and that a public hearing be held in the future. *We Speak* would like to request that that date is March 8, 2021.

To date, over 100 American cities, towns, and counties have transitioned to celebrating Indigenous Peoples' Day. More specifically, both Maine and Vermont have changed the holiday at state levels and Dover and Durham have changed the holiday at school board and city levels. In fact, according to the Pew Research Center, "Columbus Day is the most inconsistently observed holiday in the United States." It is vital that we recognize our troubling history and acknowledge the atrocities that occurred during the colonization. Furthermore, we must highlight the inequalities and oppression that Indigenous populations continue to face.

We do understand that switching Columbus Day to Indigenous Peoples' Day will not completely eliminate the current injustices towards Indigenous People, however, we would like to point out that the calendar change will symbolize Portsmouth's commitment to providing a safe and inclusive environment for all, as well as supporting their resolution.

We look forward to continuing this discussion during a Public Hearing on March 8th and thank you for this consideration.

From, on behalf of *We Speak*,
Harini Subramanian



**AMENDMENT FOR A ONE-YEAR EXTENTION
TO THE CONSOLIDATED LEASE AND OPERATIONS
AGREEMENT TO MAINTAIN THE PORTSMOUTH PUBLIC POOL**

THIS AMENDMENT, with an effective date of July 1, 2021 (the "Amendment"), is by and between the City of Portsmouth (the "City"), a municipal corporation organized and existing under the laws of the State of New Hampshire and having a principal place of business at 1 Junkins Avenue, Portsmouth, New Hampshire and Save the Indoor Portsmouth Pool, Inc. ("SIPP") a non-profit corporation organized under the laws of New Hampshire, 82 Court Street, P.O. Box 418, Portsmouth, NH 03801.

WHEREAS, SIPP is currently leasing and operating the Portsmouth Public Indoor Pool pursuant to a Renewal of the Consolidated Lease and Operations Agreement to Maintain the Portsmouth Public Pool dated July 1, 2016 ("Agreement") and due to expire June 30, 2021; and

WHEREAS, on Friday, March 13, 2020, the Governor issued Executive Order 2020-04, an order declaring a State of Emergency due to the novel coronavirus (COVID-19); and

WHEREAS, as a result of the COVID-19 outbreak and the related Emergency Orders, the Parties agreed to close the Portsmouth Public Indoor Pool and to evaluate in an ongoing manner CDC and local Health Department guidance in terms of reopening; and

WHEREAS during the closure of the pool, the City has been working with SIPP to evaluate fully the short term and long term needs of the pool and to address specifically an issue of leaking and other improvements to allow the pool to reopen in an improved condition; and

WHEREAS, due to the disruption in normal pool operations due to COVID-19, the Parties believe it is in the best interest to extend the Agreement for one year to best complete repairs, to facilitate re-opening, and to bring the pool back to normal operations.

NOW THEREFORE the Parties agree as follows:

All terms and conditions of the Renewal Agreement, a copy of which is attached, are incorporated herein as if fully set forth, subject to the following amendments:

Article I, Section 1.1 Demise of Premises, Duration and Parking: *Replace existing and substitute the following:* The City hereby leases the Premises to SIPP for an additional one-year term beginning July 1, 2021 through June 30, 2022.

Article I, Section 1.2 Capital Improvements *Add the following:* SIPP has complied with the requirements of this section and no further commitment is required.

Article I, Section 1.6 Renewal Terms: *Add the following:* No later than January 15, 2022, SIPP may request the renewal of the lease for an additional five-year term as described in Section 1.

Article I, Section 1.4 In-Kind Services. *Add the following:* The City will continue to provide the in-kind services it has been providing during this additional one year term.

Article II, Section 3.1 Obligation to Operate. *Add the following:* SIPP shall not be responsible for funding any operational deficiency in the operation of the pool.

IN WITNESS WHEREOF, the City and SIPP have caused this Amendment to be executed in their respective names by their duly authorized officers, all as of the date first written above.

THE CITY OF PORTSMOUTH

**SAVE THE INDOOR
PORTSMOUTH POOL, INC.**

By: _____
Karen S. Conard, City Manager

By: _____
Name:

Authorized by vote of the City
Council on _____

STATE OF NEW HAMPSHIRE: ss.
COUNTY OF ROCKINGHAM

On this _____ day of _____, 2020 before me, _____
a Notary Public in and for said County and State, personally appeared **Karen S. Conard**,
personally known to me (on the basis of satisfactory evidence) to be the **City Manager** of the
City of Portsmouth and on oath stated that he was authorized to execute this instrument and
acknowledged it to be his free and voluntary act for the uses and purposes set forth herein.

Notary Public in and for said County and State
Printed Name: _____
My commission expires: _____

STATE OF NEW HAMPSHIRE: ss.
COUNTY OF ROCKINGHAM

On this _____ day of _____, 2021, before me, _____
a Notary Public in and for said County and State, personally appeared _____,
personally known to me (or proved to me on the basis of satisfactory evidence) to be the
_____ of **Save the Indoor Portsmouth Pool, Inc.**, and on oath
stated that she/he was authorized to execute this instrument and acknowledged it to be her/his
free and voluntary act for the uses and purposes set forth herein.

Notary Public in and for said County and State

Printed Name: _____

My commission expires: _____

DRAFT

**RENEWAL OF
CONSOLIDATED LEASE AND OPERATIONS AGREEMENT
TO MAINTAIN THE PORTSMOUTH PUBLIC POOL**

THIS RENEWAL AGREEMENT, with an effective date of July 1, 2016 (the "Renewal"), is by and between the City of Portsmouth (the "City"), a municipal corporation organized and existing under the laws of the State of New Hampshire and having a principal place of business at 1 Junkins Avenue, Portsmouth, New Hampshire and Save the Indoor Portsmouth Pool, Inc. ("SIPP") a non-profit corporation organized under the laws of New Hampshire, 82 Court Street, P.O. Box 418, Portsmouth, NH 03801.

WHEREAS SIPP is currently leasing and operating the Portsmouth Public Indoor Pool pursuant to a Consolidated Lease and Operations Agreement to Maintain the Portsmouth Public Pool dated July 1, 2011 ("Lease and Operations Agreement"); and

WHEREAS the Lease and Operations Agreement is due to expire on June 30, 2016 and the parties desire to renew it for a five year term.

NOW THEREFORE the Parties agree as follows:

A. All terms and conditions of the Lease and Operating Agreement, a copy of which is attached, are incorporated herein as if fully set forth, subject to the following amended sections:

Article I, Section 1.1 is amended as follows:

Section 1.1 Demise of Premises, Duration and Parking: The City hereby leases the Premises to SIPP for 5 years; such term commencing on July 1, 2016 and ending on June 30, 2021 in accordance with the terms herein. The parking area shall not be a part of the demised premises. The City, through its School Department, shall continue to operate the parking area that is presently available for use by patrons of the pool.

Article I, Section 1.2 is amended as follows:

Section 1.2 Capital Improvements: All capital improvements will be the responsibility of SIPP. SIPP will invest at least \$250,000.00, as defined in Section 1.5, over the five year term for capital improvements (plus 6 months for final completion). The schedule for undertaking capital improvement projects shall be mutually agreed upon between the parties and adjusted as necessary from time-to-time based on the physical needs of the facility, safety concerns, availability of SIPP funds, potential programming impacts and like conditions.

Article I, Section 1.5 is amended as follows:

Section 1.5 Fundraising Benchmarks and Financial Resources: During the term of this Agreement, SIPP shall annually raise \$50,000.00 in available funds for capital

improvements.

“Available funds” shall mean the funds that SIPP can put to use in meeting the demands for capital improvements or hold in its investment portfolio for the same purposes. Available funds may include the promise of grant funds or loans from any agency, governmental, organizational or corporate source when: SIPP has received a written commitment approving the funds; the funds will be used for capital improvements; and the conditions for receipt are reasonably anticipated to be satisfied by SIPP. Available funds shall also include the value of donated or reduced cost materials installed as part of any capital improvement. Available funds may also include engineering or architectural services donated for such capital improvements up to a maximum of ten percent (10%) of the benchmark total for each fiscal year.

Funds raised in excess of the \$750,000.00 under the initial lease term or any annual benchmark under this Renewal Agreement may be applied to the following year’s goal.

Failure to meet any benchmark shall constitute an event of default under this Agreement.

As may be requested by the City, SIPP shall disclose a summary of SIPP’s financing through such means as fundraising, underwriting, donations or other methods to obtain adequate financing, to provide for the maintenance and capital improvement needs of the Premises. Nothing herein shall require the disclosure of SIPP’s donors.

Article I, Section 1.6 is amended as follows:

Section 1.6 Renewal Terms: Within 1 year prior to expiration of the 5 year lease term, SIPP may request that renewal of the lease for an additional five year term. The City shall renew this lease upon substantially the same terms and conditions provided, that and subject to, the following: (1) SIPP is able to demonstrate that it has or will invest before the end of the term at least \$250,000.00 in capital improvements in the Premises; (2) SIPP is not in violation of any material term of this Agreement; (3) the City not obligated to make a financial contribution beyond the five year term of this Agreement (nothing herein would preclude continuation of the present financial contribution); and (4) SIPP is prepared to continue to make such capital improvements as may be reasonably necessary and as the parties may agree during the subsequent five year term.

Article III, Section 3.1 is amended as follows:

(d) At the end of each fiscal year, any operational savings (any balance remaining in the Special Revenue Fund) will be retained in the Fund for future use unless SIPP otherwise directs that some or all of the savings be used for capital improvements, in which case such funds would be “available funds” under Section 1.5. SIPP shall provide the City with direction relative to the savings within ninety (90) days after the end of the fiscal year.

B. This Renewal also incorporates a Memorandum of Understanding for HVAC

Improvements to Portsmouth Public Pool dated June 15, 2015 between the parties, copy attached.

IN WITNESS WHEREOF, the City and SIPP have caused this Agreement to be executed in their respective names by their duly authorized officers, all as of the date first written above.

THE CITY OF PORTSMOUTH

By: [Signature]
John P. Bohenko, City Manager

Authorized by vote of the City
Council on 5-16-16

**SAVE THE INDOOR
PORTSMOUTH POOL, INC**

By: [Signature] PRESIDENT
Name:

Thomas P Clairmont
PRESIDENT

STATE OF NEW HAMPSHIRE: ss.
COUNTY OF ROCKINGHAM

On this 8th day of June, 2016, before me, Raeline A-ONeil a Notary Public in and for said County and State, personally appeared John P. Bohenko, personally known to me (on the basis of satisfactory evidence) to be the City Manager of the City of Portsmouth and on oath stated that he was authorized to execute this instrument and acknowledged it to be his free and voluntary act for the uses and purposes set forth herein.

[Signature]
Notary Public in and for said County and State
Printed Name: Raeline A. ONeil
My commission expires: 12/17/17

STATE OF NEW HAMPSHIRE: ss.
COUNTY OF ROCKINGHAM

On this 26 day of May, 2016, before me Charles B Dolan a Notary Public in and for said County and State, personally appeared Thomas P. Clairmont personally known to me (or proved to me on the basis of satisfactory evidence) to be the President of Save the Indoor Portsmouth Pool, Inc., and on oath stated that she/he was authorized to execute this instrument and acknowledged it to be her/his free and voluntary act for the uses and purposes set forth herein.

[Signature]
Notary Public in and for said County and State
Printed Name: Charles B Dolan
My commission expires: 2/28/19

**CONSOLIDATED LEASE AND OPERATIONS AGREEMENT
TO MAINTAIN THE PORTSMOUTH PUBLIC POOL**

THIS AGREEMENT, with an effective date of July 1, 2011 (the "Agreement"), is by and between the City of Portsmouth (the "City"), a municipal corporation organized and existing under the laws of the State of New Hampshire and having a principal place of business at 1 Junkins Avenue, Portsmouth, New Hampshire and Save the Indoor Portsmouth Pool, Inc. ("SIPP") a non-profit corporation organized under the laws of New Hampshire, 82 Court Street, P.O. Box 418, Portsmouth, NH 03801.

WHEREAS the City currently operates an indoor public pool facility at 48 Andrew Jarvis Drive, Portsmouth New Hampshire (the "Premises");

WHEREAS due to budgetary constraints, the City was prepared to close the public pool;

WHEREAS SIPP was established as a non-profit corporation in accord with 501(c)(3) of the Internal Revenue Code to support the operation of the Premises as a public pool;

WHEREAS SIPP is assuming financial responsibility for improving and maintaining the physical plant of the Premises as a public indoor pool facility under this Agreement;

WHEREAS the City will continue to operate the public pool through the provision of staff and other services;

WHEREAS the City and SIPP will continue to cooperate as to programming, pricing and marketing, such cooperation having already reduced costs and generated additional revenues; and

WHEREAS the City is presently accounting for separately the revenues and expenses related to the operation of the pool (the "Indoor Pool Special Revenue Fund").

NOW THEREFORE the Parties agree as follows:

ARTICLE I - LEASE OF THE PREMISES

Section 1.1 Demise of Premises, Duration and Parking: The City hereby leases the Premises to SIPP for 5 years; such term commencing on July 1, 2011 and ending on June 30, 2016 in accordance with the terms herein. The parking area shall not be a part of the demised premises. The City, through its School Department, shall continue to operate the parking area that is presently available for use by patrons of the pool.

Section 1.2 Capital Improvements: All capital improvements will be the responsibility of SIPP. SIPP will invest at least \$750,000.00, as defined in Section 1.5, over the five year term for capital improvements (plus 6 months for final completion). The schedule for undertaking capital improvement projects shall be mutually agreed upon between the parties and adjusted as necessary from time-to-time based on the physical needs of the facility, safety concerns, availability of SIPP funds, potential programming impacts and like conditions.

Section 1.3 Maintenance and Repairs: All costs associated with facility maintenance and repairs, both routine and emergency, shall be the responsibility of SIPP. Costs, in the first instance, may be satisfied from the Indoor Pool Special Revenue Fund. To the extent that costs exceed budgeted amounts, SIPP shall raise or otherwise generate such additional available funds and/or revenues as are necessary to cover any budget deficiency. The City through its commitment to operate the pool as described in this Agreement, will be responsible for undertaking such maintenance and repairs through its in-kind or contracted services.

Section 1.4 In-kind Services: The City presently provides pool facility maintenance, including both routine and emergency repairs, janitorial services, technology support and related in-kind services. The City may, in its sole discretion, continue or discontinue such "in-kind" services. Should the City discontinue any such "in-kind" services, SIPP shall be responsible for raising or otherwise generating such additional funds and/or revenues necessary to secure replacement services or obtain written permission from the City to use volunteer or donated services, under the direction and control of the City. All replacement services contractors shall carry commercially reasonable amounts of insurance satisfactory to the City of Portsmouth. The City of Portsmouth and SIPP shall be named as additional insureds. It is understood and agreed that although SIPP is obtaining a leasehold interest under this Agreement for purposes of improvements to, and maintenance of the physical plant, the City will continue to inspect the Premises for safety, oversee capital improvement projects, and be exclusively responsible for pool operations as set forth in Article III.

Section 1.5 Fundraising Benchmarks and Financial Resources: During the term of this Agreement, SIPP shall annually raise in available funds for capital improvements in the following amounts:

By: June 30, 2012 at least \$50,000
 June 30, 2013 an additional \$150,000
 June 30, 2014 an additional \$175,000
 June 30, 2015 an additional \$200,000
 June 30, 2016 an additional \$175,000

"Available funds" shall mean the funds that SIPP can put to use in meeting the demands for capital improvements or hold in its investment portfolio for the same purposes. Available funds may include the promise of grant funds or loans from any agency, governmental, organizational or corporate source when: SIPP has received a written commitment approving the funds; the funds will be used for capital improvements; and the conditions for receipt are reasonably anticipated to be satisfied by SIPP. Available funds shall also include the value of donated or reduced cost materials installed as part of any capital improvement. Available funds may also include engineering or architectural services donated for such capital improvements up to a maximum of ten percent (10%) of the benchmark total for each fiscal year.

Funds raised in excess of the annual benchmark may be applied to the following year's goal.

Failure to meet any benchmark shall constitute an event of default under this Agreement.

As may be requested by the City, SIPP shall disclose a summary of SIPP's financing through such means as fundraising, underwriting, donations or other methods to obtain adequate financing, to provide for the maintenance and capital improvement needs of the Premises. Nothing herein shall require the disclosure of SIPP's donors.

Section 1.6 Renewal Terms: Within 1 year prior to expiration of the 5 year lease term, SIPP may request that renewal of the lease for an additional five year term. The City shall renew this lease upon substantially the same terms and conditions provided, that and subject to, the following: (1) SIPP is able to demonstrate that it has or will invest before the end of the term at least \$750,000.00 in capital improvements in the Premises; (2) SIPP is not in violation of any material term of this Agreement; (3) the City not obligated to make a financial contribution beyond the five year term of this Agreement (nothing herein would preclude continuation of the present financial contribution); and (4) SIPP is prepared to continue to make such capital improvements as may be reasonably necessary and as the parties may agree during the subsequent five year term.

Section 1.7 Compliance with Orders, Ordinances, Etc.: The City, throughout the term, agrees that it will promptly comply with all statutes, codes, laws, acts, ordinances, orders, judgments, decrees, injunctions, rules, regulations, permits, licenses, authorizations, directions and requirements, ordinary or extraordinary, which now or at any time hereafter may be applicable to its operational and ownership interests in the Premises and are not otherwise the responsibility of the SIPP.

SIPP, throughout the term, agrees that it will promptly comply with all statutes, codes, laws, acts, ordinances, orders, judgments, decrees, injunctions, rules, regulations, permits, licenses, authorizations, directions and requirements, ordinary or extraordinary, which now or at any time hereafter may be applicable to its limited leasehold interest in the Premises.

Section 1.8 No assignment: SIPP may not assign or sublet the Premises or any its rights or obligations under this Agreement. Nothing herein will limit or prohibit the rental of the facility (or swim lanes) to third parties for temporary special events such as for swim meets. In accord with existing practice, all renters shall carry commercially reasonable amounts of insurance satisfactory to the City of Portsmouth. The City of Portsmouth and SIPP shall be named as additional insureds.

Section 1.9 Access: Nothing herein shall impair the City's right to inspect the Premises and take any actions necessary to operate the pool as described under Article III and to otherwise protect the safety of users, employees and visitors.

Section 1.10 Surrender: At the end of the lease term, the Premises shall be surrendered to the City in good order and broom clean; reasonable wear and tear accepted with all alternations, decorations and improvements that may have been made to the Premises becoming the property of the City.

ARTICLE II - CAPITAL IMPROVEMENTS AND MODIFICATIONS

Section 2.1 Authority to Construct: SIPP shall have the authority to construct improvements and modify the Premises with contracted forces. SIPP is not required to utilize the City's bid process. Capital improvements and modifications by SIPP to the Premises or any part thereof shall be subject to

the following:

- (a) SIPP must obtain prior written approval of the City for construction undertaken other than with City employees. Such approval shall not be unreasonably withheld.
- (b) All improvements must be consistent with the purpose of maintaining a public pool.
- (c) SIPP shall provide the City with copies of plans, studies, construction drawings, engineering studies and related documents that may be developed by SIPP for the Premises.
- (d) SIPP shall obtain all permits and approvals from all local, state and federal agencies as may be required prior to any construction, additions, modifications or improvements.
- (e) All such additions, modifications or improvements made by SIPP shall become a part of the Premises.
- (f) All contractors shall carry commercially reasonable amounts of insurance satisfactory to the City of Portsmouth. The City of Portsmouth and SIPP shall be named as additional insureds. It is understood and agreed that although SIPP is obtaining a leasehold interest under this Agreement for purposes of improvements to, and maintenance of the physical plant, the City will continue to inspect the Premises for safety, oversee capital improvement projects, and be exclusively responsible for pool operations as set forth in Article III.

Section 2.2 Equipment/Installation of Additional Equipment: SIPP may fund additional machinery, equipment or other personal property; if such property is attached or affixed to the Premises, such machinery, equipment or other personal property shall become the property of the City unless the City otherwise agrees in writing. With advance written consent of the City, SIPP may remove such machinery, equipment and other personal property from the Premises, provided that any such removal of machinery, equipment or other personal property does not adversely affect the structural integrity of the Premises. If any damage is occasioned to the Premises by such removal, SIPP agrees to promptly repair such damage at its own expense.

Section 2.3 Coordination with the City: Whenever SIPP undertakes construction, rehabilitation or maintenance efforts that may materially increase the number of vehicles servicing the Premises, require use of a dumpster, create substantial noise or other disturbance, SIPP will advise the City (specifically including the principal of the High School) of the schedule of such construction efforts and work cooperatively with the City including its School Department to minimize the negative impact on the High School and abutters.

Section 2.4 Damage or Destruction of the Premises: If the Premises shall be damaged or destroyed (in whole or in material part) at any time during the Lease Term, the City shall have no obligation to repair, replace, restore or relocate the Project and the City may exercise its right to terminate this Lease Agreement.

Section 2.5 Naming Opportunities: SIPP may, as part of fundraising opportunities, elect to offer naming opportunities on portions of the Premises internal to the building, including its bricks,

benches, and lockers.

Section 2.6 No Liens and Encumbrances: SIPP, throughout the term, shall not permit or create or suffer to be permitted or created any lien upon the Premises or any part thereof by reason of any labor, services or materials rendered or supplied or claimed to be rendered or supplied.

ARTICLE III - OPERATION OF THE PUBLIC POOL

Section 3.1 Obligation to Operate: The City shall operate the public pool for the benefit of the Portsmouth and Seacoast community by undertaking the following actions:

(a) Appropriating \$150,000.00 annually for the operation of the public indoor pool; such amount shall be transferred from the City's General Fund to the Indoor Pool Special Revenue Fund at the start of each fiscal year and shall be restricted and committed for expenditures for the operations of the indoor pool. All other operational expenses to be met through lesson, membership, day pass, rental fees and other revenues generated by activities at the indoor pool and such additional funds raised by SIPP.

(b) Employing such pool staff as is necessary to meet programming needs, consistent with the budget. All payroll and related employment costs shall be paid for from the Indoor Pool Special Revenue Fund. The City shall be responsible for State and Federal wage and employment related reporting requirements.

(c) Depositing all lesson, membership, day pass, rental fees and other revenues generated by activities at the indoor pool in the Indoor Pool Special Revenue Fund.

(d) At the end of each fiscal year, any operational savings (any balance remaining in the Special Revenue Fund) will be retained in the Fund for future use unless SIPP otherwise directs that some or all of the savings be used for capital improvements, in which case such funds would be "available funds" under Section 1.5. SIPP shall provide the City with direction relative to the savings within thirty (30) days after the end of the fiscal year.

Section 3.2 Coordination:

(a) SIPP shall set prices for all services offered on the Premises including: classes, lessons, memberships, rental fees, and special event operations subject to the following: All prices affecting City residents shall be subject to review and approval by the City Manager or his designee. Such approval shall not be unreasonably withheld.

(b) SIPP shall propose all programming relative to the public pool; programming to be developed in consultation with the City.

(c) SIPP and the City shall mutually agree to set such pool hours as are necessary to meet the projected budget needs to operate the indoor pool. The City, acting through its Recreation Director (or designee) shall have final authority as to the closing and opening of the pool during inclement weather and other emergencies.

Section 3.3 Insurance: The City shall provide insurance coverage for property losses (the building and its contents) and shall provide liability insurance for all operations that are the responsibility of the City under this Agreement including pool, building, grounds and parking area maintenance. The City shall also provide workers' compensation for its employees. The City presently obtains property and liability coverage through its Membership Agreement with the Local Government Center. Should coverage no longer be available due to changes in the Membership Agreement, the actions of either party, or other conditions, or should the City experience a material increase in the cost of insuring the Premises and operations, the parties will negotiate in good faith to resolve the coverage issues and, as may be applicable, apportion increased costs related thereto consistent with the purposes of this Agreement.

ARTICLE IV - UTILITIES, POOL CHEMICAL AND RELATED COSTS

Section 4.1 Utility Charges: All utility charges, fees and costs including, without limitation, those relating to electricity, gas, water and sewer shall be paid from the Designated Account.

Section 4.2 Pool Chemical and Related Consumable Costs: All pool chemicals and routine consumables such as paper products and small office purchases shall be paid from the Indoor Pool Special Revenue Fund.

Section 4.3 Taxes: During the 5-year term of this Agreement SIPP may apply for an exemption as provided under RSA 72:23. Provided that SIPP meets the test for charitable use set forth in RSA 72:23(I), no taxes shall be due. SIPP shall provide documentation to the City's Assessor annually as may be required by State law each year and as may be reasonably requested to establish charitable use. In the event that SIPP does not meet the test for charitable use set forth in RSA 72:23 (I) for any given year in the lease term, and taxes/payments in lieu of taxes are assessed, then SIPP shall have the right, but not the obligation, to terminate the lease after providing a six month written notice to the City. The taxes due shall be pro-rated to the date of termination of the Agreement.

ARTICLE V - SPECIAL COVENANTS

Section 5.1 Alcohol on the Premises: There shall be no storage, consumption or service of alcoholic beverages on the Premises in connection with fundraising/social activities without the advance written approval of the City, and such approval shall not be unreasonably withheld.

Section 5.2 Signage: Any and all exterior signage including banners is the responsibility of the City. The City shall provide explore providing space for a freestanding sign at the intersection of Andrew Jarvis Drive and Middle Street.

Section 5.3 Technology Installation: Nothing in this Agreement shall limit the City's right to install and maintain wireless, meter-reading or related technology for municipal or public uses.

ARTICLE VI - EVENTS OF DEFAULT AND REMEDIES

Section 6.1 Events of Default:

- (a) The following shall be an "Event of Default" under this Agreement:
- (i) The failure by SIPP to observe or perform any obligation or covenant of the Agreement, including without limitation meeting its fundraising benchmarks, subject to applicable cure periods;
 - (ii) any representation or warranty of SIPP which this Agreement or related documents shall prove to have been false or misleading in any material respect;
 - (iii) the dissolution or liquidation of SIPP; the failure by SIPP generally to pay its debts as they become due; an assignment by SIPP for the benefit of creditors (excepting such security interests entered into during the normal course of business); the commencement by SIPP (as the debtor) of a case in bankruptcy or any proceeding under any other insolvency law; the commencement of a case in bankruptcy or any proceeding under any other insolvency law against SIPP (as the debtor) or SIPP consents to or admits the material allegations against it in any such case or proceeding; or a trustee, receiver or agent (however named) is appointed or authorized to take charge of substantially all of the property of SIPP for the purpose of enforcing a lien against such property or for the purpose of general administration of such property for the benefit of creditors;
 - (iv) SIPP's loss of 501(c)(3) tax exempt status;
 - (v) the failure of SIPP to comply with the terms or conditions of any federal, state or local funding sources for monies received;
 - (vi) inadequate funds in the Indoor Pool Special Revenue Fund to meet operational needs, both ongoing and special maintenance and repair costs; and
 - (vii) failure of the City to operate the pool in accord with its obligations described under Article III.

(b) If by reason of force majeure any party hereto shall be unable in whole or in part to carry out its obligations under this Agreement and if such party shall give notice and full particulars of such force majeure in writing to the other party, within a reasonable time after the occurrence of the event or cause relied upon, such obligations under this Agreement of the party giving such notice (and only such obligations), so far as they are affected by such force majeure, shall be suspended during continuance of the inability, which shall include a reasonable time for the removal of the effect thereof. The term "force majeure" as used herein shall include, without limitation, acts of God, strikes, lockouts or other industrial disturbances, acts of public enemies, orders of any kind of the government of the United States of America or of the State, insurrections, riots, epidemics, natural disasters, civil disturbances, partial or entire failure of utilities, shortage of energy or any other cause or event not reasonably within the control of the party claiming such inability and not due to its fault, The party claiming such inability shall remove the cause for the same with all reasonable promptness. It is agreed that the settlement of strikes, lockouts and other industrial disturbances shall be entirely within the discretion of the party having difficulty, and the party having difficulty shall not be required to settle

any strike, lockout and other industrial disturbances by acceding to the demands of the opposing party or parties.

Section 6.2 Remedies on Default:

(a) Whenever SIPP shall commit any Event of Default and such default has not been cured, the City may take, to the extent permitted by law, any one or more of the following remedial steps:

- (i) declare, by written notice to SIPP, to be immediately due and payable, any and all other payments due under this Agreement;
- (ii) take any other action as it shall deem necessary to cure any such Event of Default, provided that the taking of any such actions shall not be deemed to constitute a waiver of such Event of Default;
- (iii) terminate this Agreement; and
- (iv) take any other action at law or in equity which it deems necessary or desirable to collect the payments or other obligations then due or thereafter to become due hereunder, to secure possession of the Premises, and to enforce the obligations, agreements or covenants of SIPP under this Agreement.

(b) No action taken by the City pursuant to Section 6.2 (including repossession of the Premises) shall relieve SIPP from its obligations required by this Agreement.

(c) After an Event of Default shall have occurred, SIPP shall have the right upon notice to the City to enter the Premises with agents or representatives of the City to remove any Equipment or other personality owned by SIPP if such Equipment or personality is not part of the Premises.

(d) Whenever the City commits any Event of Default, and such default has not been cured, SIPP may terminate this Agreement and any funds held by SIPP for capital improvements may be redirected as SIPP deems necessary and in accord with its mission.

Section 6.3 Remedies Cumulative: No remedy herein conferred upon or reserved to the City is intended to be exclusive of any other available remedy. Each remedy shall be cumulative and in addition to other remedies now or hereafter existing at law or in equity. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient.

Section 6.4 No Additional Waiver Implied by One Waiver: In the event any obligation contained herein should be breached by any party and thereafter waived by any other party, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other breach hereunder.

Section 6.5 Cure Period: With the exception of a default by SIPP to meet a fundraising benchmark as described under Section 1.5, upon the occurrence of an Event of Default, the defaulting party shall have thirty (30) days from the date of receipt of written notification to cure such Event of Default before the non-defaulting party exercises any of the "Remedies on Default" set forth in this section. In the event of SIPP's default under Section 1.5 relative to fundraising benchmarks, SIPP shall have ninety (90) days from the date of receipt of written notification to cure such event of default.

Section 6.6 Non-Recourse: Notwithstanding any provision hereof to the contrary, or any other express or implied agreement between the parties, or any act or course of conduct hereunder, the obligations of the parties set forth herein shall solely be those of the entities named in the first paragraph of this Agreement. No Councilor, employee or agent of the City shall have any personal liability whatsoever under this Agreement, nor shall any officer, director, shareholder, general or limited partner, employee or agent of SIPP have any personal liability whatsoever under this Agreement, it being understood and agreed that the City shall look solely to the assets of SIPP for recourse hereunder.

ARTICLE VII - MISCELLANEOUS

Section 7.1 Notices: All notices, certificates and other communications hereunder shall be in writing and shall be either delivered personally or sent by certified mail, postage prepaid, return receipt requested, addressed as follows or to such other address as any party may specify in writing to the other:

To the City:
 City Manager
 1 Junkins Avenue
 Portsmouth, New Hampshire 03801

With a copy to:
 City Attorney
 1 Junkins Avenue
 Portsmouth, New Hampshire 03801

To:
 Save the Indoor Portsmouth Pool, Inc.
 c/o Boynton, Waldron, Doleac, Woodman & Scott
 82 Court Street
 P.O. Box 418
 Portsmouth, NH 03801

Section 7.2 Binding Effect: This Agreement shall inure to the benefit of and shall be binding upon the parties and their respective successors and assigns.

Section 7.3 Severability: In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 7.4 Amendments, Changes and Modifications: This Agreement may not be amended, changed, modified, altered or terminated except in a writing executed by the parties hereto.

Section 7.5 Applicable Law: This Agreement shall be governed by the laws of the State of New Hampshire without regard or reference to its conflict of laws principles.

IN WITNESS WHEREOF, the City and SIPP have caused this Agreement to be executed in their respective names by their duly authorized officers, all as of the date first written above.

THE CITY OF PORTSMOUTH

By: John P. Bohenko
John P. Bohenko, City Manager

Authorized by vote of the City Council on October 17, 2011.

SAVE THE INDOOR PORTSMOUTH POOL, INC.

By: Steve P. [Signature], PRESIDENT
Name:


STATE OF NEW HAMPSHIRE: ss.
COUNTY OF ROCKINGHAM

On this 6th day of January, 2012 before me, Raeline A. O'Neil a Notary Public in and for said County and State, personally appeared John P. Bohenko, personally known to me (on the basis of satisfactory evidence) to be the City Manager of the City of Portsmouth and on oath stated that he was authorized to execute this instrument and acknowledged it to be his free and voluntary act for the uses and purposes set forth herein.

Raeline A. O'Neil
Notary Public in and for said County and State
Printed Name: Raeline A. O'Neil
My commission expires: 10/17/12

STATE OF NEW HAMPSHIRE: ss.
COUNTY OF ROCKINGHAM

On this 14 day of December, 2011, before me, Charles B. Dolenc
Notary Public in and for said County and State, personally appeared Dennis P. Clairmont MD
personally known to me (or proved to me on the basis of satisfactory evidence) to be the
President of Save the Indoor Portsmouth Pool, Inc., and on oath stated
that she/he was authorized to execute this instrument and acknowledged it to be her/his free and
voluntary act for the uses and purposes set forth herein.



Notary Public in and for said County and State
Printed Name: Charles B. Dolenc
My commission expires: 8/15/2014

April 27, 2021

To: Karen Conard
City Manager
1 Junkins Ave
Portsmouth, NH 03801

Dear Ms. Conard:

I am writing today to request that we be allowed to hold the Portsmouth Halloween Parade this year on Sunday, October 31st at 7:00pm. Never more than now we value the collaboration with city staff and public safety to ensure a smooth and fun Parade. Further, we understand that this permit may be conditional on the status of the pandemic. That said, we look forward to doing our part in helping re-establish large outdoor gatherings safely in partnership with the city. We will seek the usual insurance that is required and look forward to your response. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Monte Bohanan", with a long horizontal flourish extending to the right.

Monte Bohanan
President, Board of the Portsmouth Halloween Parade
mbohanan@themusichall.org
603.674.3378 (cell)

CITY COUNCIL E-MAILS

May 3, 2021 Council Meeting

April 19, 2021 (after 5:00 p.m.) – May 3, 2021 (before 9:00 a.m.)

Due to the large volume of e-mails received, a PDF compilation can be found as an attachment on the May 3, 2021 City Council meeting posting on the website

If you need further information, please contact the City Clerk's Office at 610-7208.

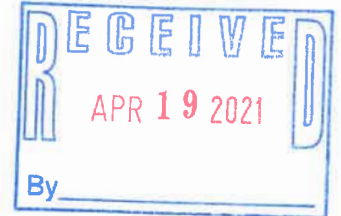
RAINBOTH, MURPHY & LOWN, PA
ATTORNEYS AT LAW • PROFESSIONAL ASSOCIATION



April 14, 2021

MICHAEL P. RAINBOTH *†
KENNETH D. MURPHY **
BRADLEY M. LOWN †‡
JAMES E. COUGHENOUR, JR. †°

City of Portsmouth
Planning Department
1 Junkins Ave.
Portsmouth, NH 03801
ATTN: Nick Cracknell



RE: Owner: Marcie Shearman
Property Address: 635 Lincoln Ave., Portsmouth, NH
Account Number 34572
Tax Map/Lot: 0148/0038/0000

Dear Nick,

I represent Marcie Shearman, the owner of the above property. She and her husband (Dr. John Sherman) purchased the property on July 1, 1985 and the deed is recorded at Book 2552 Page 0829 in the Rockingham County Registry of Deeds. Dr. Shearman, then conveyed his interest in the property to my client by deed dated June 28, 1989 and that deed is recorded at Book 2798, Page 0917 in the Rockingham County Registry of Deeds. I enclose copies of the deeds, and as you can see, the two (2) lots were separately referenced in both deeds

I enclose copies of the Property Assessment Records that show that the subject parcel originally consisted of two (2) different lots designated as 40/2 and 40/3, the latter being the Eastern lot on which the house and tennis court are located. I enclose a copy of the tax map showing the garage in the rear of the property, and it is not clear to me whether any portion of the garage is sitting on lot 40/2.

Pursuant to NH RSA 674:39 –aa, please consider this letter a request that the two (2) lots, combined in the deed to my client, be preserved as separate lots of record and “unmerged” pursuant to the statute. The two (2) lots were merged in 1972, as is shown on the Property Assessment Record.

My clients have taken no voluntary overt action to merge these lots.

As I understand it, the Portsmouth City Council has the jurisdiction to “unmerge” the lots. I look forward to hearing from you, and thank you for your help.

Very truly yours,


Bradley M. Lown

:aar

Enclosures

cc: Dr. John and Marcie Shearman

439 MIDDLE STREET PORTSMOUTH, NH 03801 TELEPHONE: (603) 431-1993 FACSIMILE: (603) 431-8333 WWW.NHTRIALATTORNEYS.COM

02552 P0829..

KNOW ALL MEN BY THESE PRESENTS, That we, JOHN E. PATERSON and DAVID C. PATERSON, as Co-Trustees of the FRANK E. PATERSON TRUST "B", of Plains Avenue, Portsmouth, County of Rockingham, State of New Hampshire, and also individually as the sole heirs-at-law of FRANK E. PATERSON

for consideration paid, grant to JOHN SHEARMAN, M.D. and MARCIE SHEARMAN of Portsmouth, County of Rockingham, and State of New Hampshire, as joint tenants with rights of survivorship, of 635 Lincoln Ave, Portsmouth, County of Rockingham, New Hampshire

with hereby conveying to JOHN SHEARMAN, M.D. and MARCIE SHEARMAN, the following described premises:

A certain parcel of land in Portsmouth, County of Rockingham, and State of New Hampshire, bounded and described as follows:

West by land now or formerly of the Estate of Daniel Mason, Rugg, and Susan E. Christie. East by land now or formerly of Edward L. Paterson, South by Lincoln Avenue, and North by said land of said named Christy.

Said parcel of land being No. 18 on the plan on file at the Register of Deeds in Exeter, made by Civil Engineer William A. Grover, August, 1909.

Being the same premises conveyed to Frank E. Paterson by Deed of Frank E. Paterson, Administrator of the Estate of Edward L. Paterson dated June 12, 1973, and recorded in the Rockingham County Registry of Deeds in Book 2204, Page 1319.

The Grantors herein are the only children of Frank E. Paterson, deceased and the sole remaindermen of Frank E. Paterson Trust "B", as established under the Will of Frank E. Paterson. See Rockingham County Probate Record No. 53593, Muriel E. Paterson, surviving spouse of Frank E. Paterson and mother of the Grantors herein.

spouse of Frank E. Paterson and mother of the Grantors herein, deceased on January 19, 1985.

Also conveying a certain parcel of land in Portsmouth, County of Rockingham, and State of New Hampshire known as Lot 17 on a plan of lots made August 1909 by William A. Grover which said plan is recorded in the Rockingham County Registry of Deeds. Said lot is bounded and described as follows:

On the north by one Call forty-five feet and eight inches; on the east by Lot No. 22 on said plan fifty-four feet and six inches and by Lot No. 16 on said plan one hundred and sixty feet; on the south by Lincoln Avenue so-called, fifty feet; on the west by Lot No. 18 two hundred and five feet, seven and one-half inches and on the northwest by land of one Dawns nine feet.

Being the same premises conveyed to FRANK E. PATERSON by Quitclaim Deed of FRANK E. PATERSON, Administrator of the Estate of EDWARD L. PATERSON dated June 12, 1973, and recorded in the Rockingham County Registry of Deeds in Book 2204, Page 1321.

29125
Jul 3 8 00 AM '85
Rockingham County
Registry of Deeds

THIS IS NOT HOMESTEAD PROPERTY

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Signed this 1st day of July, 1985

FRANK E. PATERSON TRUST "B"

STATE OF NEW HAMPSHIRE
 TAX ON TRANSFER OF REAL PROPERTY
 STATE TAX COMMISSION
 JUL-375
 660.00
 1985

BY: [Signature] L.S.
David C. Paterson, Co-Trustee & Individually

BY: [Signature] L.S.
John E. Paterson, Co-Trustee & Individually

25th A.D. 1985

State of New Hampshire

Rockingham ss.:

Personally appeared David C. Paterson and John E. Paterson, Co-Trustees of the Frank E. Paterson Trust "B" known to me, or satisfactorily proven, to be the persons whose names subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

Before me, [Signature] Justice of the Peace - Notary Public

CONSIDERATION LESS THAN \$4,000.00

BK2798 P0917

KNOW ALL MEN BY THESE PRESENTS, That I, JOHN M. SHEARMAN, of 635 Lincoln Avenue, Portsmouth, County of Rockingham, State of New Hampshire

for consideration paid, grant to MARCIA J. SHEARMAN, of 635 Lincoln Avenue, Portsmouth, County of Rockingham, State of New Hampshire

with Quitclaim Covenants

SEE ATTACHED EXHIBIT A

27503

JAN 28 10 43 AM '70

STATE OF NEW HAMPSHIRE
PAY AN UNDEER STATE TAX

Grantor herein being the husband ~~XXXXXXXXXXXXXXXXXXXX~~ grantee herein
said grantee ~~husband~~ ~~with~~ ~~of~~ ~~and~~ ~~XXXXXX~~ release to
all rights of homestead and other interests therein.

Signed this 27th day of June, 1989

John M. Shearman
JOHN M. SHEARMAN

State of New Hampshire
ROCKINGHAM, ss.

June 27th A. D. 1989

Personally appeared JOHN M. SHEARMAN

known to me, or satisfactorily proven, to be the person whose name is
subscribed to the foregoing instrument and acknowledged that he executed the same
for the purposes therein contained.

Before me *R. P. Blanchard*
Justice of the Peace - Notary Public

EXHIBIT A

BK2798 P09

PARCEL I:

A certain parcel of land with the buildings thereon, if any, situate in Portsmouth, County of Rockingham and State of New Hampshire, bounded and described as follows:

West by land now or formerly of the Estate of Daniel Mason, Rugg, and Susan E. Christie. East by land now or formerly of Edward L. Patterson, South by Lincoln Avenue, and North by said land of said name Christy.

Said parcel of land being NO. 18 on the plan on file at the Registry of Deeds in Exeter, made by Civil Engineer William A. Grover, August 1909.

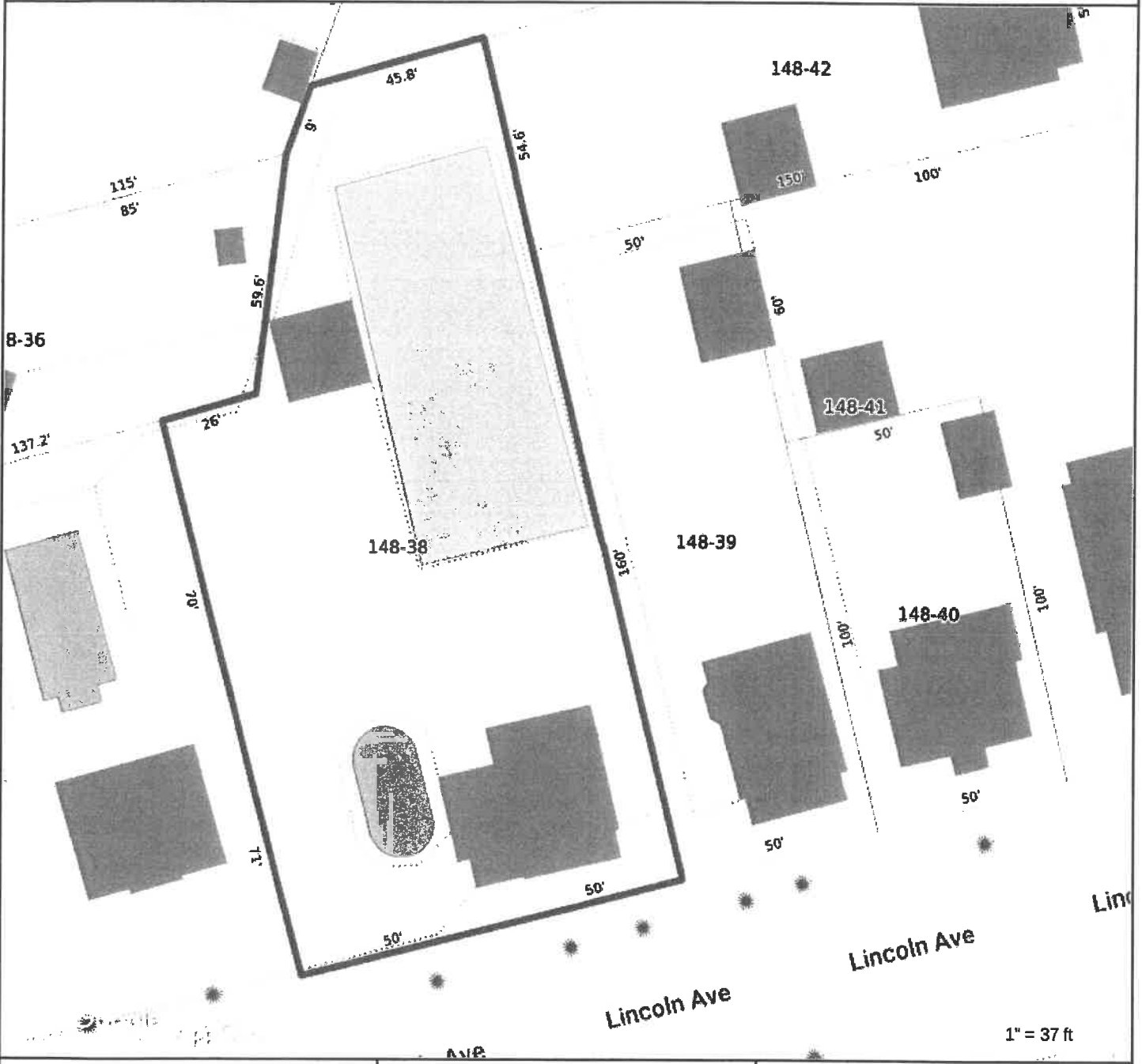
PARCEL II:

Also conveying a certain parcel of land with the buildings thereon, if any, situate in Portsmouth, County of Rockingham, and State of New Hampshire known as NO. 17 on a plan of lots made August 1909 by William A. Grover which said plan is recorded in the Rockingham County Registry of Deeds. Said lot is bounded and described as follows:

On the north, now or formerly, by one Call forty-five feet and eight inches; on the east by Lot No. 22 and said plan fifty-four feet and six inches and by Lot No. 16 on said plan one hundred and sixty feet; on the south by Lincoln Avenue so-called, fifty feet; on the west by Lot No. 18 two hundred five feet, seven and one-half inches and on the northwest by land now or formerly of one Dawns nine feet.

The above parcels I and II being the same premises conveyed by deed of John E. Paterson and David C. Paterson, Co-Trustees of the Frank E. Paterson Trust "B", dated July 1, 1985 and recorded with the Rockingham County Registry of Deeds, Book 2552, Page 0829.

635 Lincoln Ave



Property Information
Property ID 0148-0038-0000
Location 635 LINCOLN AVE
Owner SHEARMAN MARCIA J



**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.

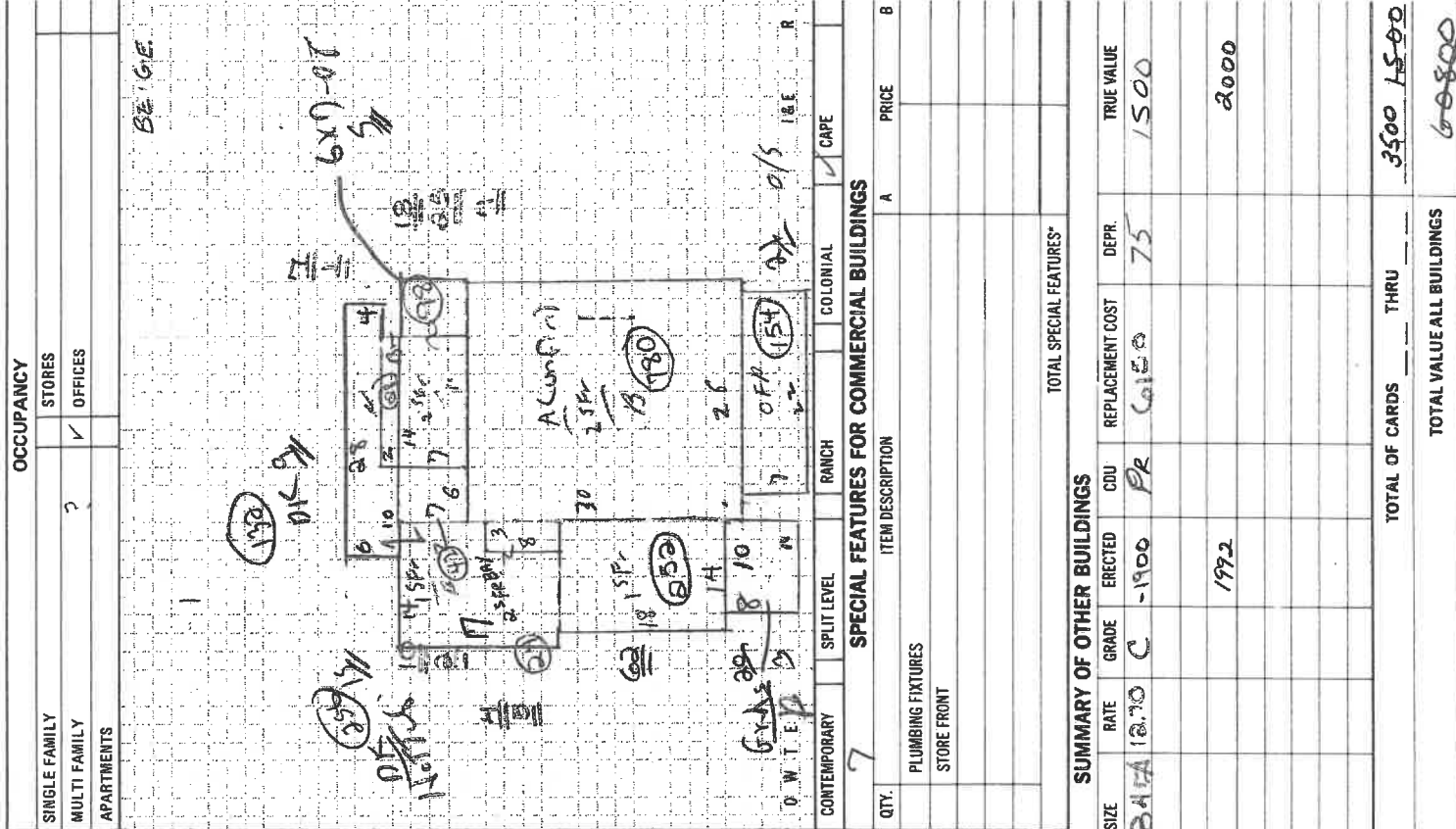
Geometry updated 4/1/2019
 Data updated 7/17/2019

NAME	MAILING ADDRESS	BOOK-PAGE	DATE	AMOUNT
ATERSON FRANK E TR 'B'	PORTSMOUTH NH 03801	2370/1778	07/79	
Shearman, John M.D. & Marcie	635 Lincoln Ave., Portsmouth, N.H. 03801	2552/0829	7/01/85	88,000
Shearman Marcia J	635 Lincoln Ave	2798/917	6-28-89	none

LAND VALUE COMPUTATIONS AND SUMMARY			
SO. FT. DESC.	CODE	SIZE	RATE
1 PRIMARY SITE	1	6000	2.00
2 SECONDARY SITE	4	13165	.10
3 UNDEVELOPED			
4 RESIDUAL			
5 WATERFRONT			
CATEGORY CODES	T	19165	RATE
		NUMBER OF ACRES	
		13300	

MEMORANDA			
NO.	DATE	DESCRIPTION	AMOUNT
1	1st call 01/55		
2	left card 1/20/82		
3	No show for scheduled e.o. 3/3/82 e.o.		
4	# 2988 - June 8, 1988 - Deck & 9 year house, \$15,000		
5	# 789 Assmt notice sent		
6	# 4761 - 11/13/91 - INSTALL BOW WINDOW - \$2,000		
7	# 4828 - 1/24/92 - DOCUMENT GREENHOUSE SETBACK - 10		

SALES DATA													
NO.	DATE		TYPE	SALE PRICE				SOURCE		VALIDITY			
	MO.	YR.		1 LAND	2 L & B	1 BUYER	3 FEE	2 SELLER	4 AGENT	1 YES	2 NO		
			1	2				1	2	3	4	1	2
			1	2				1	2	3	4	1	2
			1	2				1	2	3	4	1	2



OCCUPANCY		INTERIOR FINISH		COMMERCIAL COMPUTATIONS		OCCUPANCY	
1	2	3	B	1	2	3	SINGLE FAMILY
VAC. LOT	DWELLING	OTHER	DRYWALL PLASTER	1	BRICK	3	GLASS
STORY HEIGHT	2.5	3.0	WOOD PANELING	2	FRAME	4	BLOCK
BASEMENT			FIBERBOARD	EXTERIOR WALLS	EXTERIOR WALL CODES	7	STONE
1	2	3	UNFINISHED	EFF. PERIMETER	8	METAL	9
NONE	CRAWL	PART		PERIM. AREA RATIO %	9	CONCRETE	CONCRETE
HEATING		FULL		NO. OF UNITS	10	ENAM. STL.	ENAM. STL.
1	2	3		AVG. UNIT SIZE	NO. OF UNITS	10	NO. OF UNITS
NONE	BASE	AIR CON		BASEMENT SIZE	SCHEDULE	HT.	BASEMENT
WARM AIR - F OR G				BASEMENT FIRST	BASEMENT SECOND	BASE PRICE	B. P. A.
WATER/STEAM				NO. OF UNITS	AVG. UNIT SIZE	BASEMENT SIZE	SCHEDULE
ELECTRIC				OTHER FEATURES	HT.	BASEMENT FIRST	BASEMENT SECOND
FLOOR/WALL FURNACE				PART MASONRY WALLS	FIREPLACE	FIN. BASEMENT LIVING AREA	BASEMENT GARAGE
UNIT HEATERS				MODERNIZED KITCHEN	MODERNIZED KITCHEN	NO. OF UNITS	AVG. UNIT SIZE
PLUMBING				REMODELING DATA	YEAR	HEATING	GENERAL
PLUMBING POINTS				KITCHEN	PLUMBING	ERECTED	AGE
STANDARD				ERECTED	1910	CDU RATING	AV/AV
BATHROOM				NO PLUMBING		DWELLING COMPUTATIONS	
HALF BATH				ATTIC			
SINK/LAVATORY				HEATING			
WATER CLOSET/URINAL				PLUMBING			
NO PLUMBING				ATTIC			
ATTIC				ADDNS & PCHS.			
1	2	3		TOTAL			
NONE	2 UNFIN	3 PT. FIN		O.F. POINTS			
4 FULL FIN	5 FULL FIN/WH			TOTAL			
ROOF				GRADE			
SHINGLE ASP/ASB/WOOD				TOTAL			
SLATE/TILE/METAL				C&D FACT. %			
COMP. ON WOOD FRAME				REPL. COST			
COMP. ON STEEL FRAME				DEPR.			
WALLS				TRUE VALUE			
FRAME/SIDING ALUM./VINYL/STUCCO							
SHINGLE ASP/ASB/WOOD							
CONCRETE BLOCK							
BRICK VENEER/STONE							
PLATE GLASS FRONT							
FLOORS							
CONCRETE							
WOOD							
TILE							
CARPET							
WD./STL. FRAME							
REINF. CONC.							

EXTERIOR WALL CODES		EXTERIOR WALLS		EXTERIOR WALL RATIO %		EXTERIOR WALLS	
1	BRICK	3	GLASS	5	STUCCO	7	STONE
2	FRAME	4	BLOCK	6	TILE	8	METAL
9	CONCRETE	10	ENAM. STL.				
EFF. PERIMETER							
PERIM. AREA RATIO %							
NO. OF UNITS							
AVG. UNIT SIZE							
BASEMENT SIZE							
SCHEDULE							
HT.							
BASEMENT FIRST							
BASEMENT SECOND							
BASE PRICE							
B. P. A.							
SUBTOTAL							
LIGHTING							
HTG./AIR CON.							
SPRINKLER							
PARTITIONS							
INTERIOR FINISH							
SF/CF PRICE							
AREA CUBE							
SUBTOTAL							
SPECIAL FEATURES*							
ADDITIONS							
TOTAL BASE							
GRADE FACTOR							
REPLACEMENT COST							
FUNCTIONAL DEPRECIATION FACTORS		SURPLUS CAP		ENCROACHMENTS		OBSCOLESCENCE	
BLIGHTED AREA		COMM. LOCATION		ECONOMIC			

SPECIAL FEATURES FOR COMMERCIAL BUILDINGS		ITEM DESCRIPTION		TOTAL SPECIAL FEATURES*	
CONTEMPORARY	7	SPLIT LEVEL		RANCH	
PLUMBING FIXTURES		COLONIAL		CAPE	
STORE FRONT					
QTY.					
PRICE					
SUMMARY OF OTHER BUILDINGS					
TYPE	NO.	CONSTRUCTION	SIZE	ERECTED	CDU
GARAGE	1	255	22x22	1900	PR
BARN					
SHED					
POOL					
COMBI BLDG.					
LISTED	D.K.	DATE	1/20/82	TOTAL OF CARDS	THRU
TRUE VALUE				TOTAL VALUE ALL BUILDINGS	
				3500	1500
				60800	69600

GRADE DENOTES QUALITY OF CONSTRUCTION: A-EXCELLENT; B-GOOD; C-AVERAGE; D-CHEAP; E-VERY CHEAP
 CDU FACTOR REFERS TO THE CONDITION, DESIRABILITY, AND USEFULNESS OF THE BUILDING

71600 PRC-0788 69600

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

LOT 3		RECORD OF OWNERSHIP			DATE OF TRANSFER		SALE PRICE IF KNOWN		ASSESSMENT RECORD			
FLY	ADDRESS	DESCRIPTION	DATE	NO. OF ACRES	RATE	TOTAL	NAME	DATES	LAND	BLDG.	TOTAL	
40	635 Highland Ave	H-Bldg D6-L									5600	
											6200	
											6500	
											7200	
											10000	
											6500	
											7500	
											3000	
											13000	
											15000	
											3000	
											13000	
											1400	
EST. CHARLOTTE M. ROBERTSON Sept 1961												
CHARLOTTE M. ROBERTSON 9/17/1969												
44/34												
RURAL PROPERTY												
PROPERTY FACTORS			LAND VALUE COMPUTATIONS AND SUMMARY				OWNERS PREVIOUS TO 1981					
TOPOGRAPHY	LEVEL	ROLLING	LEDGE	CLASSIFICATION	NO. OF ACRES	RATE	TOTAL	NAME	DATES	ASSESSMENTS		
SOIL TYPE	LOAM	SAND	CLAY	TILLABLE	2.4	14.6	35	CHAPMAN				
LAND CLASS	GOOD	FAIR	POOR	PASTURE								
DRAINAGE	GOOD	FAIR	POOR	WOODED								
WATER SUPPLY	GOOD	FAIR	POOR	WASTE LAND								
FENCES	GOOD	FAIR	NONE	TOTAL ACREAGE								
ELECTRICITY	YES	NO		TOTAL VALUE LAND								
TELEPHONE	YES	NO		TOTAL VALUE BUILDINGS								
ROAD	PAVED	IMPR.	DIRT	TOTAL VALUE LAND & BUILDINGS								
REMARKS												
URBAN PROPERTY												
PROPERTY FACTORS			LAND VALUE COMPUTATIONS AND SUMMARY									
TOPOGRAPHY	IMPROVEMENTS	FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT PRICE	TOTAL					
LEVEL	WATER	50	210	15	122	18.50	900					
HIGH	SEWER											
LOW	GAS											
ROLLING	ELECTRICITY											
SWAMPY	ALL UTILITIES											
	GARBAGE DISPOSAL											
STREET			TREND OF DISTRICT									
PAVED	IMPROVING											
SEMI-IMPROVED	STATIC											
DIRT	DECLINING											
SIDEWALK												
TOTAL VALUE LAND			TOTAL VALUE BUILDINGS									
900			5000									
TOTAL VALUE LAND & BUILDINGS			6500									

RECORD OF BUILDINGS

NOTES—SPECIAL EQUIPMENT

OCCUPANCY	FLOORS		
	B	1	2
SINGLE FAMILY			
TWO FAMILY			
APARTMENT			
STORE			
THEATRE			
HOTEL			
OFFICES			
WAREHOUSE			
COMM. GARAGE			
GAS STATION			

COMPUTATIONS

UNIT	4 1951
1st 950 S.F.	3600
2nd 950 S.F.	3600
430 S.F.	900
Boys	200
1 Story Oil	200
Front Porch	200
Sun Porch	1600
ADDITIONS SHOP	1500
Gar-	800

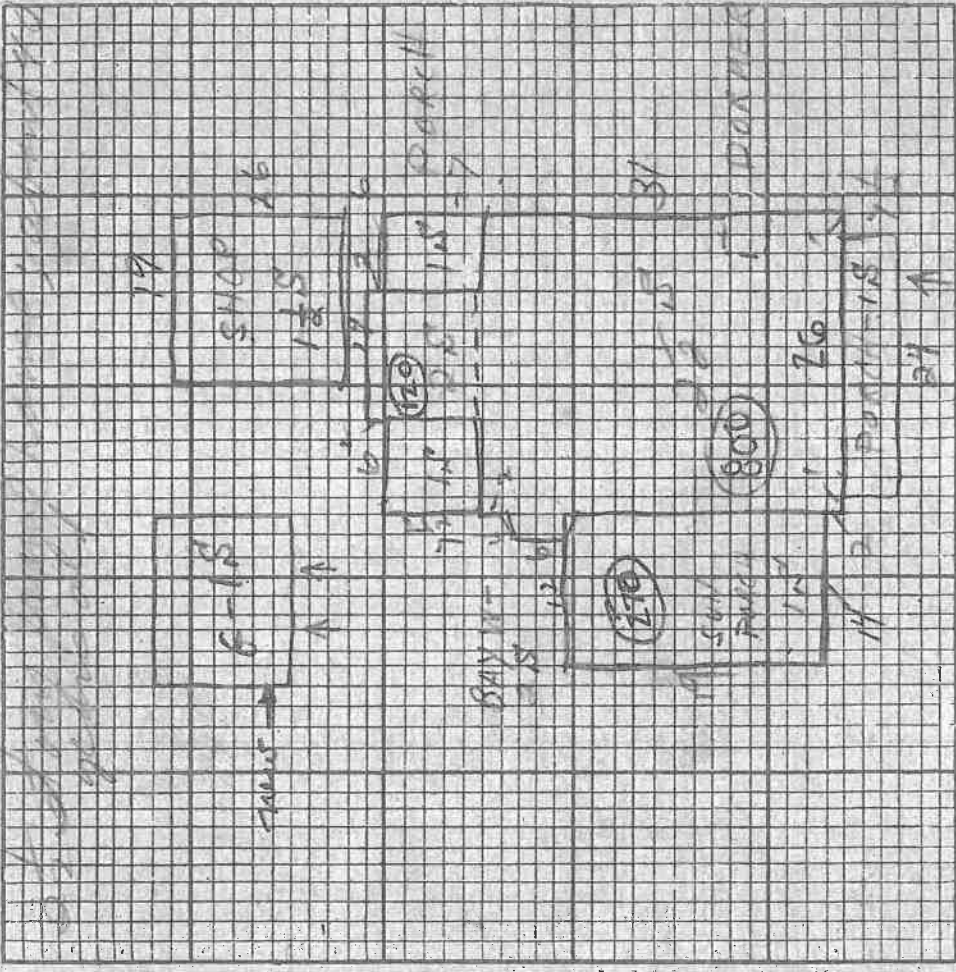
CONSTRUCTION	INTERIOR FINISH		
	B	1	2
PINE			
HARDWOOD			
PLASTER			
UNFINISHED			
METAL CLG.			
RECREAT. ROOM			
FINISHED ATTIC			
FIREPLACE			

CONSTRUCTION	HEATING		
	B	1	2
PIPELESS FURNACE			
HOT AIR FURNACE			
FORCED AIR FURN			
STEAM			
HOT WAT. OR VAPOR			
NO HEATING			

CONSTRUCTION	PLUMBING		
	B	1	2
BATHROOM			
TOILET ROOM			
WATER CLOSET			
KITCHEN SINK			
STD. WAT. HEAT			
AUTO. WAT. HEAT			
ELECT. WAT. SYST.			
LAUNDRY TUBS			
NO PLUMBING			

CONSTRUCTION	TILING		
	B	1	2
BATH FL. & WCOT.			
TOILET FL. & WCOT.			
LIGHTING			
ELECTRIC			
NO LIGHTING			

CONSTRUCTION	NO. OF ROOMS		
	B	1	2
BSMT.			
1ST.			
2ND.			
3RD.			



SUMMARY OF BUILDINGS

GRADE	AGE	DATE REMOD.	COND.	REPL. VAL.	PHYS. DEPR.	PHYS. VALUE	FUNCT. DEPR.	SOUND VAL.
C	50		C	12,500	50%	6,300	0%	5,600
* Excess Size for Form.								
TOTAL VALUE BUILDINGS								
TOTAL VALUE BUILDINGS								

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

RECORD OF OWNERSHIP		DATE OF TRANSFER		SALE PRICE IF KNOWN		ASSESSMENT RECORD	
PLA. 40	LOT 2					LAND	1951
ADDRESS 635 LINCOLN AVE.						BLDGS.	
DESCRIPTION LAND						TOTAL	800
						LAND	
						BLDGS.	
						TOTAL	800
						LAND	1600
						BLDGS.	
						TOTAL	1600
						LAND	
						BLDGS.	200
						TOTAL	200
						LAND	
						BLDGS.	
						TOTAL	200

RURAL PROPERTY		OWNERS PREVIOUS TO 1951	
CLASSIFICATION TILLABLE PASTURE WOODED WASTE LAND TOTAL ACRES TOTAL VALUE LAND TOTAL VALUE BUILDINGS TOTAL VALUE LAND & BUILDINGS		NAME DATES ASSESSMENTS 1953 4/22/16 7/13/74 E. W. HANCOCK 1901 275	

URBAN PROPERTY			
LAND VALUE COMPUTATIONS AND SUMMARY			
FRONTAGE	AVG. DEPTH	UNIT PRICE	DEPTH FACTOR
51	140	15.00	113
		7.00	
			TOTAL
			850
LAND VALUE COMPUTATIONS AND SUMMARY			
TOTAL VALUE LAND		TOTAL VALUE BUILDINGS	
TOTAL VALUE LAND & BUILDINGS		TOTAL VALUE LAND & BUILDINGS	
600		800	
TOTAL VALUE BUILDINGS		TOTAL VALUE LAND & BUILDINGS	
800		800	

PROPERTY FACTORS		IMPROVEMENTS	
TOPOGRAPHY	LEVEL	WATER	
SOIL TYPE	LOAM	SEWER	
LAND CLASS	GOOD	GAS	
DRAINAGE	GOOD	ELECTRICITY	
WATER SUPPLY	GOOD	ALL UTILITIES	
FENCES	GOOD	GARBAGE DISPOSAL	
ELECTRICITY	YES	TREND OF DISTRICT	
TELEPHONE	YES	IMPROVING	
ROAD	PAVED	STATIC	
REMARKS		DECLINING	
		SIDEWALK	

PATERSON FRANK E TRUST "B"
 PO BOX 448
 PORTSMOUTH NH 03801

448

REMARKS-1
 ALSO INCLUDES LOT 2

LISTER NOTES
 1-BASEMENT WET

PROPERTY LOCATION		SIDE		LOCATION CODE	
635 LINCOLN AVE		N		/ / /	
RECORD OF TRANSFER		DATE		AMOUNT	
CITY OF PORTSMOUTH N.H. JOHN B. PETTY CAE, ASSESSOR		RESD		31001 2611040000300	
TYPE		PROJECT		CONTROL NO	
N/A		N/A		N/A	
1	N/A				
2	Paterson Edward L Est				
3	Paterson Charlotte M Est	6/12/73	2204	1319	
4	Paterson Frank E Est	7/11/79	2370	1778	
5					
6					
7					

LAND FACTORS		LAND IMPROVEMENTS				SUMMARY	
TYPE	ACRES	PRICE	TOTAL	DEPR	VALUE	EQ	ASSESSMENT
TOPOGRAPHY-1 LEVEL							
IMPROVEMENTS-1 C WATER							
-2 SEWER							
-3 ELEC							
STREET/RD-2 IMPROVE							
ACREAGE COMPUTATION							
1 H-LOT 48 A	-230	12000	5760		5760	100	5800
2 REAR	2	2000	460		460	100	500
3							
4							
5							
6							
		-460	ACREAGE TOTAL		6220	100	6300

LOT COMPUTATION				ACREAGE COMPUTATION			
FRONT	REAR	FRONTAGE	DEPTH	STREET PRICE	DEPTH %	ADJ FR PR	TOTAL
1							
2							
3							
4							
LOT TOTAL							

PATERSON FRANK E TRUST "B"
 PO BOX 448
 PORTSMOUTH NH 03801

448

REMARKS-1
 ALSO INCLUDES LOT 2

LISTER NOTES
 1-BASEMENT WET

PROPERTY LOCATION		SIDE		LOCATION CODE	
635 LINCOLN AVE		N		/ / /	
RECORD OF TRANSFER		DATE		AMOUNT	
CITY OF PORTSMOUTH N.H. JOHN B. PETTY CAE, ASSESSOR		RESD		31001 2611040000300	
TYPE		PROJECT		CONTROL NO	
N/A		N/A		N/A	
1	N/A				
2	Paterson Edward L Est				
3	Paterson Charlotte M Est	6/12/73	2204	1319	
4	Paterson Frank E Est	7/11/79	2370	1778	
5					
6					
7					

LAND FACTORS		LAND IMPROVEMENTS				SUMMARY	
TYPE	ACRES	PRICE	TOTAL	DEPR	VALUE	EQ	ASSESSMENT
TOPOGRAPHY-1 LEVEL							
IMPROVEMENTS-1 C WATER							
-2 SEWER							
-3 ELEC							
STREET/RD-2 IMPROVE							
ACREAGE COMPUTATION							
1 H-LOT 48 A	-230	12000	5760		5760	100	5800
2 REAR	2	2000	460		460	100	500
3							
4							
5							
6							
		-460	ACREAGE TOTAL		6220	100	6300

LOT COMPUTATION				ACREAGE COMPUTATION			
FRONT	REAR	FRONTAGE	DEPTH	STREET PRICE	DEPTH %	ADJ FR PR	TOTAL
1							
2							
3							
4							
LOT TOTAL							

19 72
 LAND 6300
 BLDGS 16500
 TOTAL 22800

19 LAND BLDGS TOTAL

19 LAND BLDGS TOTAL

19 LAND BLDGS TOTAL

19 LAND BLDGS TOTAL

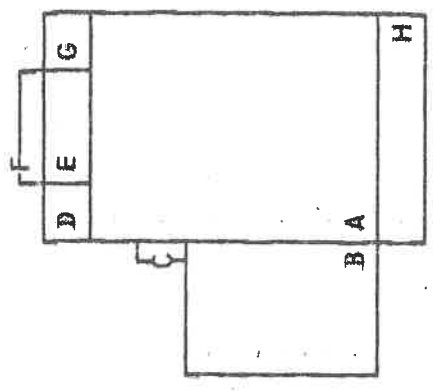
19 LAND BLDGS TOTAL

19 LAND BLDGS TOTAL

19 LAND BLDGS TOTAL

OUT BUILDINGS		PRICE
ITEM	1 2 3 4 5 6	19320
PIER FOUND	X	
WALL FOUND	X	-200
SKIDS		
SGLE SDG		
DBL SDG	XX	380
SHING WALLS		1720
CONC BLOCK		1090
BRICK		390
STONE		220
FLOOR WC		330
INT FINISH		300
PLUMB		964
ELEC		2780
		664
		298
		837

BASE. A
 FOUNDATION. 1/2 BRICK WALLS 750SF
 1/2 STONE WALLS
 EXT WALLS. FRAME CLAPBOARDS
 INSULATION. NONE ASPH SHG FLOOR
 ROOF. GABLE CONCRETE
 BASEMENT. FULL HARDWD
 FLOORS. 1 2 PINE
 INT FIN. 1 2 PLASSTR
 LAYOUT G COND G
 1-4 STAIR FULL FLR
 ROOMS. FULL AT CAST
 ATTIC. 1 H-W CAST
 HEAT. 2 H-W CAST
 FIREPLACES. 1 STACKS 1 TOILET R 1
 PLUMBING. BATH 1 1 FL- PLS
 1 1 WL- FL- PLS
 TILE. BATH - 1 WN- 1 LIN FT
 DORMERS. 1
 SEG. B BAY WINDOW 252SF
 C U-B SMT. ADD 21SF
 D U-B SMT. ADD 42SF
 E U-B SMT. ADD 91SF
 F U-B SMT. ADD 26SF
 G OPEN-PORCH 42SF
 H OPEN-PORCH 161SF



SCALE = 20 FT./IN.

SEG	TYPE	STOR	CONS	CLASS	DIMENSIONS
A	3025-30-25				
B	01	1.0	FRAM	3	14-18-14-18
C	04	2.0	FRAM	3	3-7-3-7
D	04	1.0	FRAM	3	7-6-7-6
E	04	2.0	FRAM	3	7-13-7-13
F	04	1.0	FRAM	3	2-13-2-13
G	30	1.0	FRAM	3	7-6-7-6
H	30	1.0	FRAM	3	7-23-7-23

OCUPANCY	CONSTRUCTION	CLASS	AGE	REMOD	COND	REPLACEMENT VALUE	PHYS DEPR	PHYSICAL VALUE	FUNC -DEPR	ACTUAL VALUE	EQ	ASSESSMENT	SALE PRICE	DATE MO/YR
DWLG 1 FAM	2.05 FR B A	3	1915+	NO	F+	32064	55	14429		14429	100	14400		
1-G BLDG55	1.05 FR 2	4.50	OLD		F	2106	45	1158	25	869	100	900		
2-DT GAR33	1.05 FR 2	3	OLD		F	2160	45	1188		1188	100	1200		
SUB TOTAL												32064		
BUILDING TOTAL												16486	100	16500

LISTED DATE: 01/14/72
 LISTER: 3416
 SIGNATURE: 2 SIGNED
 REVIEW: 2612

March 19, 2021

Juliet Walker, Director
Portsmouth Planning Department
1 Junkins Ave., 3rd Floor
Portsmouth, New Hampshire 03801

Re: Tax Map: 52, Lot Number: 38 and Tax Map: 52, Lot Number: 39
Restoration of Involuntarily Merged Lots Pursuant to N.H. RSA 674:39-aa
344 Aldrich Road, Portsmouth, New Hampshire

Dear Ms. Walker and members of the Planning Department:

This letter is being sent to advise you that I represent David and Julia Higgins (the "Higgins") relative to their ownership of what was known as Portsmouth Tax Map 52, Lot Number 38 and Tax Map 52, Lot Number 39, collectively now known as 344 Aldrich Road, Portsmouth, New Hampshire (the "Property"). On behalf of the Higgins', I am submitting this letter to request the City of Portsmouth (the "City") unmerge these two lots which are currently being treated as a single lot by the City.

On August 21, 2014, the Higgins acquired title to the Property by Warranty Deed (the "Deed") from Eric S. and Joan S. Landis, a copy of which is attached and labeled Attachment #1. In the Deed, the Property is described as: "A certain lot or parcel of land...being Lots Numbered 38, 39 and a portion of Lot 46 as shown on ...Plan #233 and said Lots Numbered 38 and 46 as changed and shown on ... Plan #782. Plan #233 (Attachment #2) shows Lots 38, 39 and 46. Plan #782 corrects the boundary of Lot 38 by extending it into Lot 46, which was not shown on Plan #233. Lot Number 39 stays the same on both plans.

We have reviewed the tax cards for the Property back to 1971. As can be seen from the cards enclosed, the City recognized and acknowledged that the Property was two distinct parcels, with two distinct tax cards, designated as Plan 52, Lot 38 (Attachment #4) and Plan 52, Lot 39 (Attachment #5).

It appears that it was in 1978 that the City involuntarily merged the lots. On the 1978 tax card (Attachment #6), you will see that there is a handwritten note in the top left corner which says, "Lot 39 added for '78 per deed 2271/84". In the top right-hand corner, is printed "Plan Lot 052 Lot 038", but underneath that a handwritten note that says, "Plan 066 Lot 050". From these

notations, it appears that the City believed the two lots had been merged based on the deed recorded at Book 2271, Page 84 (Attachment #7). However, we have researched the deeds back to 1936

and the description of the Property in every deed, including Attachment #7, and the most recent Higgins' deed all have the exact same description. There was therefore never any intent on the part of the any past owners, or the current owner of the Property to merge the lots.

RSA 674:39-aa II (a) requires that: a request to unmerge lots be made prior to December 31, 2021; and (b) further requires that no prior owner voluntarily merge the lots. With regard to the first requirement, this request is timely, as it is prior to December 31, 2021. The second requirement is also satisfied. A voluntary merger is defined as "any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line." As is clear in the enclosed deeds dating back to 1936, the Property is described as Lots No 3839 and a portion of Lot 46 and there is no evidence in the chain of title that the parcels were voluntarily merged by any previous owner.

Furthermore, the New Hampshire courts have held that the conveyance of multiple lots in a single deed does not, standing alone, support a voluntary merger Roberts v. Town of Windham, 165 N.H. 186, 192 (2013). Instead, the courts will consider the use of the property in its entirety, including evidence of physical development on the land *Id.* When applying this standard, the courts have found a voluntary merger in the follow situations: where the landowner built a duplex across lot lines; where deeds in the chain of title uniformly described the property as a single parcel; and where the lots shared a driveway, a garage was constructed on one lot within two inches of and facing the other lot and where lots had common ancillary buildings, including a bunkhouse, which were typical of a waterfront estate. See Robillard v. Town of Hudson, 120 N.H. 477, 416 (1980); Town of Newbury v. Landrigan, 165 N.H. 236, 241 (2013); and Roberts v. Town of Windham, 165 N.H. 186 (2013).

In this case, the Higgins house sits alone on Lot 38, and neither the Higgins' nor any prior owner built anything on the Lot 39 or used Lot 39 in any way that would make it appear that the owner thought these two lots were in fact one. There are no structures on Lot 39, and the Property has been maintained as two distinct lots. Furthermore, the deeds in the chain of title uniformly describe the Property as two parcels, namely, Lots Numbered 38, 39 and part of 46.

RSA 674:39-aa provides an owner with the ability to unmerge lots that were previously merged by municipal action. The Property satisfies the statutory requirements of RSA 674:39-aa II which governs the process for unmerging lots. RSA-674-aa II states in pertinent part, that "Lots or parcels that were involuntarily merged prior to September 18, 2010 by a ... town... or any other municipality, shall at the request of the owner, be restored to their premerger status and all zoning and tax maps shall be updated to identify premerger boundaries of said lots or parcels as recorded at the appropriate registry of deeds."

Based on the above and the enclosed, the Property satisfies the requirements of the statute, and accordingly, the Higgins' respectfully request that the Planning Board unmerge the parcels and recognize Tax Map: 52, Lot Number: 38 and Tax Map: 52, Lot Number: 39 as separate tax lots.

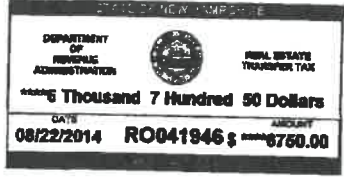
If additional information is needed, please do not hesitate to contact me. Thank you for your consideration of this request.

Sincerely,

Thomas M. Keane

Enclosures
cc:

Attachment
#1



WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that we, **Eric S. Landis and Joan S. Landis**, husband and wife, of 344 Aldrich Road, Portsmouth, New Hampshire, for consideration paid, grants to **David Higgins and Julia Higgins**, a married couple, of 76 Sunset Road, Portsmouth, New Hampshire, as joint tenants with rights of survivorship, with Warranty Covenants the following described premises:

A certain lot or parcel of land, together with the buildings thereon, situated at Portsmouth, in the County of Rockingham and State of New Hampshire and adjoining the southwesterly side of Aldrich Road, so-called, and being Lots Numbered 38, 39 and a portion of Lot 46 as shown on Plan of Westfield Park drawn by John W. Durgin, C.E. and recorded in Rockingham Registry of Deeds on August 2, 1917 as Plan # 233, and said Lots Numbered 38 and 46 as changed and shown on a plan entitled "Part of Westfield Park, Portsmouth, N.H. showing proposed changes in Lots No. 38 and 46" dated August 1933, made by John W. Durgin, C.E. and duly recorded in said Rockingham Registry of Deeds as Plan #782, and being more particularly bounded and described as follows:

Beginning at the Northerly corner of said parcel of Aldrich Road at Lot No. 40 on said Plan and running thence in a Southeasterly direction by said Aldrich Road, one hundred fifteen (115) feet to land now or formerly of John W. Shannon; thence turning at right angles and running in a Southwesterly direction by said land of said Shannon, one hundred (100) feet and continuing in the same direction by land now or formerly of one Guptill, fourteen (14) feet to land now or formerly of one Walter A. Gove; thence turning at right angles and running in a Northwesterly direction by land of said Gove, thirty (30) feet to Lot No. 45 on said Plan; thence turning at right angles and running in a Northeasterly direction by said Lot No. 45, fourteen (14) feet to said Lot No. 38; thence turning at right angles and running in a Northwesterly direction by said Lot No. 45 and by Lot No. 44 on said Plan, both now or formerly owned by one Walter A. Gove, eight-five (85) feet to Lot No. 41 on said Plan; thence turning at right angles and running in a Northeasterly direction by said Lot No. 41 on said Plan and by Lot No. 40 on said Plan, one hundred (100) feet to the point of beginning.

Meaning and intending to convey the same premises as conveyed to the within Grantor by Fiduciary Deed of Mable Smith as Successor Trustee of the Robert C. Smith Trust, recorded on March 3, 2014 at Book 5515, Page 2228.

031753

2014 AUG 22 PM 2:07

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

IN WITNESS WHEREOF, I have executed this deed on this 21 day of August, 2014.

Den S. Kilmer

Witness

Eric S. Landis

Eric S. Landis

[Signature]

Witness

Joan S. Landis

Joan S. Landis

State of New Hampshire
County of Rockingham

This instrument was acknowledged before me on this 21 day of August, 2014 by Eric S. Landis.

Den S. Kilmer

Notary Public/Justice of the Peace
My commission expires: 2/16/16
DENISE S. KILMER
Notary Public - New Hampshire
My Commission Expires February 16, 2016



State of New Hampshire
County of ~~Rockingham~~ Rockingham
Hillsborough

This instrument was acknowledged before me on this 22 day of August, 2014 by Joan S. Landis.

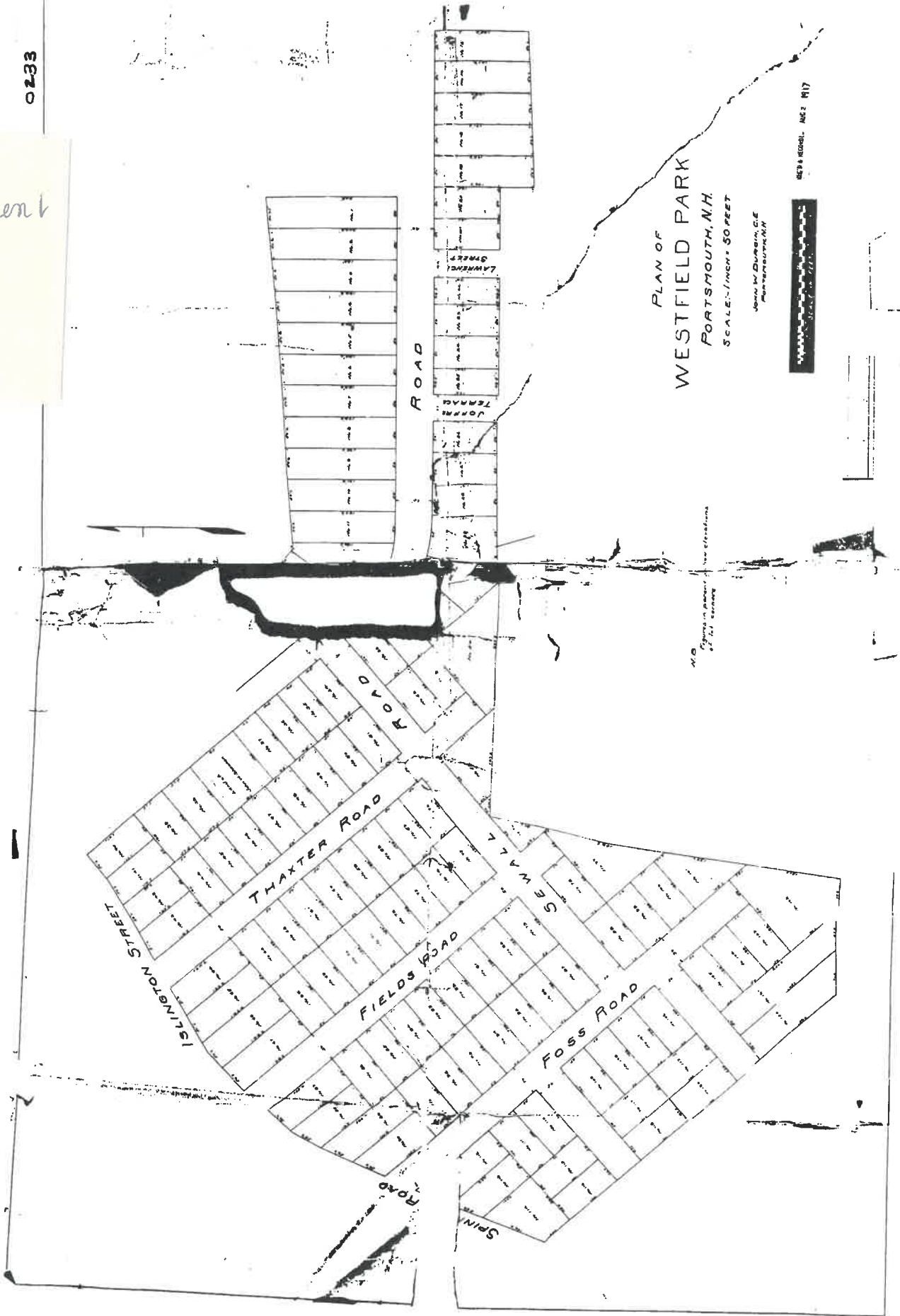
[Signature]

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

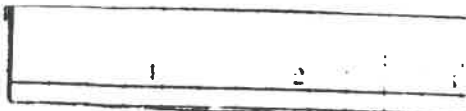
Thomas M. Keane
Justice of the Peace-New Hampshire
Commission Exp. 12-05-17

Attachment
#2

0233



Attachment
#3



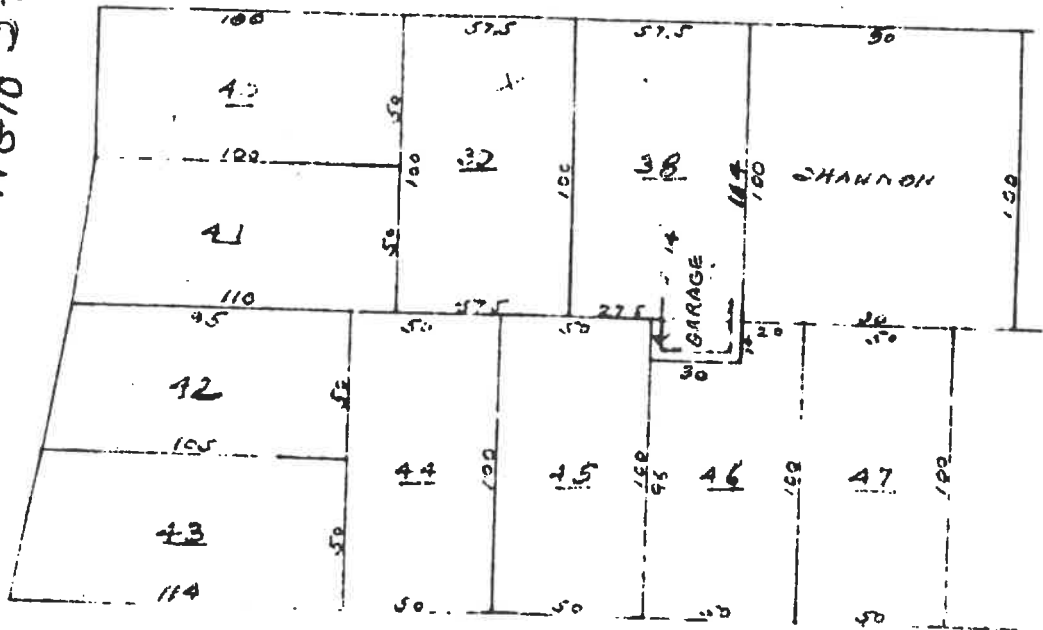
0782



SCALE IN FEET

ALDRICH ROAD

ISLINGTON ST



THAXTER ROAD

ROCKINGHAM RECORDS

Revised 7/16/31 6-17-1936



PART OF WESTERFIELD PARK
PORTSMOUTH NH
SHOWING PROPOSED CHANGES
IN LOTS 38 AND 46
SCALE: 1/4" = 50 FT. AUG 1933
CIVIL ENGINEER

FILE NO 1590

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

PLAN 52 Lot 38

ADDRESS 344 March Road

DESCRIPTION 2-750 sq ft (Blvd) L

1482/212

1441

1441

1441

1441

6170 SQ FT.

Attachment #4

Justin M. & Olive L. Clark 1482/212 10/3/58

ARTHUR M. MARGERAFF W. CLARK 917/57 5-503

RURAL PROPERTY

PROPERTY FACTORS		LAND VALUE COMPUTATIONS AND SUMMARY		OWNERS PREVIOUS TO 1981	
TOPOGRAPHY	LEVEL	CLASSIFICATION	NO. OF ACRES	RATE	TOTAL
TOPOGRAPHY	LEVEL	TILLABLE			
SOIL TYPE	LOAM	MARGARET W. CLARK			
LAND CLASS	GOOD	JUSTIN M. CLARK			
DRAINAGE	GOOD	OLIVE CLARK			
WATER SUPPLY	GOOD				
FENCES	GOOD				
ELECTRICITY	YES				
TELEPHONE	YES				
ROAD	PAVED				
REMARKS					

PROPERTY FACTORS		LAND VALUE COMPUTATIONS AND SUMMARY			
TOPOGRAPHY	IMPROVEMENTS	FRONTAGE	DEPTH	DEPTH FACTOR	FRONT FT. PRICE
TOPOGRAPHY	IMPROVEMENTS				
LEVEL	WATER				500
HIGH	SEWER				
LOW	GAS				
ROLLING	ELECTRICITY				
SWAMPY	ALL UTILITIES				
	GARBAGE DISPOSAL				
STREET	TREND OF DISTRICT				
PAVED	IMPROVING				500
SEMI-IMPROVED	STATIC				5000
DIRT	DECLINING				5500
SIDEWALK					

URBAN PROPERTY

6170 SQ FT.

Value Decreased by New Lino - Mast

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

RECORD OF OWNERSHIP		DATE OF TRANSFER	SALE PRICE (IF KNOWN)	ASSESSMENT RECORD		
PLAN	LOT			LAND	BLDGS	TOTAL
52	39					400
ADDRESS				LAND	BLDGS	TOTAL
Aspen Road						100
				LAND	BLDGS	TOTAL
						500
				LAND	BLDGS	TOTAL
						800
				LAND	BLDGS	TOTAL
						2000

Attachment #5

Justin M. & Olive L. Clark 1482/212 10/3/58
 Arthur M. Margaret Clark 917/57 2/21/36

RURAL PROPERTY

PROPERTY FACTORS		LAND VALUE COMPUTATIONS AND SUMMARY			OWNERS PREVIOUS TO 1881		
TOPOGRAPHY	IMPROVEMENTS	CLASSIFICATION	NO. OF ACRES	RATE	TOTAL	NAME	DATE
LEVEL	WATER	TILLABLE					
HIGH	SEWER	PASTURE					
LOW	GAS	WOODED					
ROLLING	ELECTRICITY	WASTE LAND					
SWAMPY	ALL UTILITIES	TOTAL ACREAGE					
	GARBAGE DISPOSAL	TOTAL VALUE LAND					
	TREND OF DISTRICT	TOTAL VALUE BUILDINGS					
PAVED	IMPROVING	TOTAL VALUE LAND & BUILDINGS					
SEMI-IMPROVED	STATIC						
DIRTY	DECLINING						
SIDWALK							

URBAN PROPERTY

PROPERTY FACTORS		LAND VALUE COMPUTATIONS AND SUMMARY			
TOPOGRAPHY	IMPROVEMENTS	FRONTAGE	DEPTH	DEPTH FACTOR	FRONT FT. PRICE
LEVEL	WATER				
HIGH	SEWER				
LOW	GAS				
ROLLING	ELECTRICITY				
SWAMPY	ALL UTILITIES				
	GARBAGE DISPOSAL				
	TREND OF DISTRICT				
PAVED	IMPROVING				
SEMI-IMPROVED	STATIC				
DIRTY	DECLINING				
SIDWALK					

5750 SQ. FT.

SMITH ROBERT C & DOROTHY A
 344 ALDRICH ROAD
 PORTSMOUTH NH 03801

Lot 39 added for 78 per deed
 227/84

PROPERTY LOCATION		344 ALDRICH ROAD		SIDE	S	LOCATION CODE	/ / / /	PLAN LOT	052 038
CITY OF PORTSMOUTH N.H.		JOHN B. PETTY CAE, ASSESSOR		TYPE	RESID	PROJECT	31001	CONTROL NO	1803052003800
RECORD OF TRANSFER		DATE	11/24/76	BOOK	1482	PAGE	212	CARD	1 OF 1
		DATE	11/24/76	BOOK	2271	PAGE	84	CARD	1 OF 1
		DATE	11/24/76	BOOK	2271	PAGE	84	CARD	1 OF 1
		DATE	11/24/76	BOOK	2271	PAGE	84	CARD	1 OF 1
		DATE	11/24/76	BOOK	2271	PAGE	84	CARD	1 OF 1

NO	NAME	DATE	BOOK	PAGE	AMOUNT	REMARKS
1	CLARK/MARGARET					
2	Clark Justin M & Olive I	11/24/76	2271	81	28,600	
3	Maher John R & Phyllis W	11/24/76	2271	84	29,500	
4						
5						
6						
7						

NO	TYPE	ACRES	PRICE	TOTAL	DEPR	VALUE	EQ	ASSESSMENT
1	H-LDT 37-A	.330	10000	3700		3700	100	3700
2	S1	.26		5100		5100		5100
3								
4								
5								
6								
		.590		3700		3700	100	3700

NO	TYPE	ACRES	PRICE	TOTAL	DEPR	VALUE	EQ	ASSESSMENT
1	H-LDT 37-A	.330	10000	3700		3700	100	3700
2	S1	.26		5100		5100		5100
3								
4								
5								
6								
		.590		3700		3700	100	3700

Attachment #0

FRONT	REAR	FRONTAGE	DEPTH	STREET PRICE	DEPTH %	ADJ FR PR	TOTAL	DEPRECIATION	CORNER	VALUE	EQ	ASSESSMENT
1												
2												
3												
4												
LOT TOTAL												
LAND TOTAL												
BLDG TOTAL												
BLDG TOTAL												

Attachment # 7

KNOW ALL MEN BY THESE PRESENTS, That John R. Maher and Phyllis W. Maher of Little Harbor Road, Portsmouth, County of Rockingham and State of New Hampshire

2271-0084

for consideration paid, grant to Robert C. Smith and Dorothy A. Smith of 101 Aldrich Road, Portsmouth, County of Rockingham and State of New Hampshire

with warranty covenants as joint tenants with rights of survivorship:

A certain lot or parcel of land, together with the buildings thereon, situated at Portsmouth, in the County of Rockingham and State of New Hampshire and adjoining the southwesterly side of Aldrich Road, so-called, and being Lots Numbered 38, 39, and a portion of Lot 46 as shown on Plan of Westfield Park drawn by John W. Durgin, C. E. and recorded in Rockingham Registry of Deeds on August 2, 1917, and said Lots Numbered 38 and 46 as changed and shown on a plan entitled "Part of Westfield Park, Portsmouth, N. H. showing proposed changes in Lots No. 38 and 46" dated August 1933, made by John W. Durgin, C. E. and duly recorded in said Rockingham Registry of Deeds, and being more particularly bounded and described as follows:

Beginning at the Northerly corner of said parcel on Aldrich Road at Lot No. 40 on said Plan and running thence in a South-easterly direction by said Aldrich Road, one hundred fifteen (115) feet to land now or formerly of John W. Shannon; thence turning at right angles and running in a Southwesterly direction by said land of said Shannon, one hundred (100) feet and continuing in the same direction by land now or formerly of one Guptill, fourteen (14) feet to land now or formerly of one Walter A. Gove; thence turning at right angles and running in a Northwesterly direction by land of said Gove, thirty (30) feet to Lot No. 45 on said Plan; thence turning at right angles and running in a Northeasterly direction by said Lot No. 45, fourteen (14) feet to said Lot No. 38; thence turning at right angles and running in a Northwesterly direction by said Lot No. 45 and by Lot No. 44 on said Plan, both now or formerly owned by one Walter A. Gove, eighty-five (85) feet to Lot No. 41 on said Plan; thence turning at right angles and running in a Northeasterly direction by said Lot No. 41 on said Plan and by Lot No. 40 on said Plan, one hundred (100) feet to the point of beginning.

Meaning and intending to convey the same premises conveyed to John R. and Phyllis W. Maher by deed of Paul L. Clark and Shirley G. Gailey on November 24, 1976 and recorded in the Rockingham County Registry of Deeds on November 24, 1976.



John R. Maher & Phyllis W. Maher, husband and wife of said grantor, release to said grantees all rights of homestead and other interests therein.

Witness, Our hands and seals this 24th day of November, 1976.

Witness signature: Thomas G. Ferguson

Signatures of John R. Maher and Phyllis W. Maher

Thomas G. Ferguson

State of New Hampshire

Rockingham ss.:

November 24 A. D. 1976

Personally appeared John R. Maher & Phyllis W. Maher known to me, or satisfactorily proven, to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

Before me, Justice of the Peace - Public

REC'D ROCKINGHAM COUNTY REGISTRY OF DEEDS '76 NOV 24 P12:41



PORTSMOUTH FIRE DEPARTMENT

OFFICE OF THE FIRE CHIEF

To: City Manager Karen Conard

From: Chief Germain

Date: April 26, 2021

Re: Covid Vaccination Efforts Update for City Council

Since February 24th and continuing well into May, the Fire Department has been coordinating and executing vaccine clinics within the city. Planning for these clinics began in December. To date, we have administered 4,244 individual shots representing 1,650 persons completely vaccinated and 944 having received their first dose. Once our scheduled 2nd dose clinics are complete on May 18th, we will have fully vaccinated 2,594 members of our community.

We have worked closely with Craig Welch and staff of PHA, Martha Stone and staff of Cross Roads House, Kim McNamara and staff from Health, and Brinn Sullivan at Senior Services to deliver vaccines to residents of our community that may have had trouble accessing fixed-site clinics due to factors such as age, race, income, physical or mental illness, geographic location, or language to name a few.

Some of our targeted populations included Housing Authority residents, those experiencing homelessness, English as a second language, victims of domestic violence living in shelter, hearing and vision impaired, elderly, physically disabled and low income. Several hundred of our vaccine recipients received both of their vaccine shots in the comfort of their home and none of them had to navigate a confusing, government run scheduling website.

In addition to the above mentioned vaccine clinics, our personnel have also been supporting other Covid related activities. Those include assisting with weekly testing of residents and staff at Cross Roads House, providing stand-by EMS at Lonza while their production force receives vaccinations, and staffing regional state run fixed vaccination sites. Members of the fire department worked a total of 2,120 hours at these venues in the month of March alone.

The cost of all of these activities is eligible for FEMA reimbursement and we submit our expenses each month. To date, we have been reimbursed for our efforts through January, and Tracy Freeman and Andrew Purgiel work closely with our FEMA field representative to ensure we receive what we submit.

April 26, 2021

Though we very much consider this effort part of our mission as emergency responders, it has been an incredibly rewarding experience for our firefighters and has afforded us the opportunity to interact with members of our community under much more favorable circumstances than we normally do.

I very much appreciate the support from our city council, city management, various department heads and community partners as we continue to slowly climb our way out of this unprecedented situation.

Respectfully submitted,

Fire Chief Todd Germain

Citywide Neighborhood Committee
Ward 1 Zoom Forum
March 31, 2021

Committee Members Present: Larry Cataldo, Chair, Lori Soloway, Vice Chair, Beth Margeson, Secretary, Mark Syracuse, Dave Cosgrove, and Paul Mannle

Elected Officials Present: Rick Becksted, Mayor and Jim Splaine, Assistant Mayor

City Officials Present: Karen Conard, City Manager, Mark Newport, Police Chief, Todd Germain, Fire Chief and Peter Rice, Department of Public Works Director

Elected Officials Attending: Councilor Petra Huda, Councilor Deaglan McEachern, Councilor John Tabor, Councilor Peter Whelan, Rep. Peter Sommsich and Rep. Jackie Cali-Pitts

City Staff Present: Robert Sullivan, City Attorney and Stephanie Seacord, Public Information Officer

After a delay, the meeting began at 6:45 pm, Larry Cataldo welcomed the attendees and participants. Lori Soloway, the coordinator, introduced the panel: Mayor Rick Becksted, Asst. Mayor Jim Splaine (CNC Member), Karen Conard, Chief Mark Newport, Fire Chief Todd Germain and DPW Director Peter Rice and stated that the Ward Forums help the CNC in advocating for the neighborhoods.

The forums began in 2015 - Ward 2 and Ward 4 are next in this calendar year - the CNC tries to cover all wards in a two year period. The next CNC Meeting will be on April 21, 2021 and City Attorney Robert Sullivan will be the guest to answer questions from committee members and attendees. Lori suggested people get on the CNC mailing list by sending an e-mail to: cncportsmouth@gmail.com Each panel member will be giving a brief overview of their departments after which they will field questions from attendees on public safety, public works projects and other issues facing city residents.

Mayor Becksted then made a few brief opening remarks and said he looked forward to answering questions. Assistant Mayor Jim Splaine indicated that he was looking forward to meeting in person and said that the CNC was ready to hear and talk with residents.

City Manager Karen Conard said that she was thrilled to be at her second Ward forum and was looking forward to listening and answering questions that were posed to her prior to the meeting. Larry Cataldo extended an invitation to the City Manager to attend any meeting she wished and emphasized that this was meant to be an informal environment.

Chief Newport said that he was here to answer questions and that he has reviewed the questions submitted prior and any questions specific to the Ward.

Chief Germain has said that the fire department's activities over the last 60 days has been

devoted to vaccination clinics. He said that the fire department has run 16 first shot clinics, 12 second shot clinics and that it has vaccinated between 1500-1600 high risk city residents, such as teachers. The fire department is assisting with state run sites in Exeter, Dover and in the middle of the state. It is assisting Cross Roads house with testing, and providing medical support at Lonza to vaccinate all of its employees so that it can continue to manufacture vaccine. It is also still running the fire department, preparing for brush fire season, got boat in water for training, EMS relicensure is ongoing, training 4 new firefighters, and responding to 15 or so emergency response a day. Renovations at Central Station 1 - to install ADA compliant bathrooms on first and second floor - have been completed.

Larry asked how is the city reaching out to seniors outside of assisted living facilities during this time. After some discussion, it was determined that this question was related to accessing vaccine appointments as it is hard for seniors to access computerized vaccination appointments. Chief Germain responded that the fire department has provided 30 to 40 homebound people with vaccinations. City Manger Conard also said that Brinn Sullivan, City Services Coordinator, always available and has bent over backwards to help them and noted a lot of outreach is done through Channel 22. Brinn's contact information is: 610-4433 bsullivan@cityofportsmouth.com

Next Peter Rice addressed the Forum and expressed his appreciation for the opportunity to speak informally with people in this manner. Director Rice presented a slide show (attached to these meeting minutes) that presented information on how to access the Department of Public Works by calling 427-1530, Click N Fix App through phone and desktop, neighborhood traffic calming programs and the ability to reach out to Eric Eby for that, as well as make citizen requests through the Capital Improvement Plan.

He believed that the last time DPW addressed Ward 1 was in 2018 and a lot had been done since then. The overview of projects and the rate of completion was presented to the participants through the slide presentation.

Questions and Answers for Director Rice:

Rep. Peter Somssich:

Two questions: 1 - Rep. Somssich asked Peter Rice for an update on noise barrier issue which is a big problem at Panoway Manor. DOT said did study; pandemic happened in meantime, may be delays.

Director Rice answered that it was in hiatus due to Covid, that the state needs to do its part which is a study, but when that was done, the city expects to move forward.

2 - Spinnaker Point Recreation Facility - Rep. Somssich noted that Spinnaker Point is a premier designated senior facility for city, it has been closed for a year and people have paid membership fees and haven't been able to use it. He asked who is in charge of the facility and when will it be up and running. That for seniors, both mental and physical health is important for them and they don't have this important facility. He asked whether ventilation was a problem.

Director Rice answered that due to Covid, the air ventilation system needs to be running at optimal levels and it is not. It was sufficient prior to Covid but is not now. He went on to say that the air handling system has never been updated. The city inherited the building but it does not own it. In order to bring it up to meet CDC standards, the city would have to spend hundreds of thousands of dollars on a facility it does not own. With the present air handling system, it is not productive to open the facility.

Rep. Somssich followed up that there have always been complaints about the ventilation system, that it has always been a problem. The city has an opportunity to make this facility healthy again and bring it up to proper standards to make it more energy and health efficient to which Director Rice replied there are 11 more years on the upgrade, the fees do not cover the cost of it and Spinnaker does not help out.

Rep. Somssich closed with the observation that the city has neglected facilities like this, such as the indoor pool and the situation that led to SIPP (Save Indoor Portsmouth Pool). The City does not put in money to keep it healthy.

At this point, Mayor Becksted interjected that the City will be receiving \$13.29 million in Cares Act money and will be cataloguing a list of wants and needs, though there will be restrictions. This HVAC system would be a good place for that money to go to.

Assistant Mayor Splaine asked City Manager Conard to get a report to the City Council on this and communicate this to Rep. Somssich so that city council can get on top of this.

Larry and Lori offered the assistance of the CNC to move this along, even though Spinnaker is an association, it's also a neighborhood and they would be happy to help out.

Johanna Lyons:

Ms. Lyons said she lived at 18 Cutts Street. She started her remarks by noting that she put a Click N Fix in for a dead woodchuck and it was scooped up really quickly. She then noted that the intersection of Cutts and Maplewood is one of the busiest in the city. During Covid, she has really enjoyed not having much traffic but it is starting to pick up.

She raised two issues: The pass onto Maplewood Avenue is death defying. She said there needs to be some additional miles per hour signs after Dennett Street to warn of dangerous intersection. She said that traffic came over the hill from the Woodbury Avenue side at 35 MPH as the 25 MPH sign is further down on Maplewood. Once the drivers get through the speed tables down on Maplewood, they forget.

She noted the bike pass rebuild - why isn't the City working with DOT for different solutions for the bypass - not just circle to Lafayette Road but to the bridge. She noted that there were lots of possibilities for economic development. A driver can't take a left on the bypass, you need to go up and around Maplewood to reach businesses on the opposite side of the road. Maine has a left hand turning lane, Portsmouth should do the same. She urged the city to talk to DOT about

allowing drivers to take a left. This would alleviate a lot of the tangle at the Maplewood Avenue exit. She noted that she was offering the perspective of a resident for 30 years and that the interface with resident and business in this area needs to be looked at.

Robin Rousseau:

Ms. Rousseau's primary issue - she has three - was resident permit parking for the Market Square area. She lives at the McIntosh Building - diagonally across from 55 Congress Street. She noted that the on-street parking is just three hours and that Parrott Avenue lot is just too far. She worries that with the Court Street project, parking will become even more of an issue.

Larry Cataldo noted that to get a neighborhood parking program launched, Ms. Rousseau needs to get a constituency together, and that with Covid, it is difficult to do now. However, it is a situation for neighborhoods that needs to be addressed.

Linda Benton:

From the Atlantic Heights neighborhood, is speaking for herself and some neighbors who could not be at the meeting. She noted her support for Rep. Somssich regarding Spinnaker Point in that the pool is needed and the City should use Covid money for that. She noted that the facility needed work prior to Covid and a lot of work needs to be done to catch up. She said that the striping on the parking places needs to be redone, they have faded. There is destruction in Hislop Park, some trees fell down during the wind storms. And finally, they have had no street sweeping and the neighborhood tries to do its neighborhood cleanup prior to the street sweeping being done.

She said that the historic sign announcing Atlantic Heights is almost falling down. The neighborhood needs city approval of a state historic sign, but the effort fell by the wayside with Covid and they need to get a state sign installed marking the 100 years of the neighborhood.

Joe Famolaro:

Lives on Mill Pond Way. When he tries to go for a walk into town with his wife, as he gets to the intersection of Dennett and Maplewood, the cross walk is there but it would be helpful to have yellow flashing lights. He asked if the city could look at putting some up at that intersection as drivers are flying as they get off the bypass into town.

The other issue he has, is the lights at Foundry Garage being reexamined. He hopes that these lights are on the other side of the garage, as the residents on the other side of the pond do not want lights of Las Vegas.

The third issue he raises is the cleanup of the North Mill Pond; at low tide you can see tires and other debris in the mud.

Director Rice responded that the lighting for the Foundry Garage is on the streets/sidewalks of

Bridge and Deer Streets - it will not be Las Vegas.

Bob Lister:

He lives at 69 Diamond Drive. Question to Director Rice, study mentioned plans for a sound barrier from DOT for Panoway Manor. There is also one needed for north of the traffic circle near New Franklin School. There is a fallen-down fence. Noise has really picked up in past years. Number of concerns, including the fence. He asked if a noise barrier for this area was being considered in addition to Panoway Manor. He said that the DOT needs to be involved and he has asked the legislative delegation about this.

Director Rice responded that he is pretty sure that it is being considered. DPW has been sure to include it in its review. The new housing on Rockingham needs to comply with the noise requirements but he will double check.

Assistant Mayor Splaine said that he and former Mayor Bob Lister has a time capsule to uncover pretty soon. It's a year overdue - wait for schools to get back on track.

Dave (no last name given):

When are sidewalks going to be fixed on Bartlett and Thornton Streets so handicapped people can go down those streets. Director Rice said the design process is just starting, surveyors will be out soon. The department is also looking to restrict truck traffic, which should lead to major improvements. No specific schedule yet.

Second question: he has noticed in the police logs, people are getting pulled over and only getting verbal warnings. Lots of fast traffic on Bartlett Street with speeding and there is no enforcement, a major artery leaving town. Chief Newport says that is not the police log - not a full picture. As far as traffic enforcement, PD has been up there, and there have been numerous traffic studies. Other than at the 4-way intersection on Thornton Street, speed has not been an issue. Dave responded to this that just this afternoon, he watched a hundred cars, not slow down at 4 pm quitting time, going right through stop sign. It is really nerve wracking getting on road and trying to drive. Neighbors cars have been totaled. There is a dead 16 year old over on the other street. If you hit people in the wallet, they will start to slow down. Chief Newport says that people coming in and out of a major thoroughfare and it is a major area for enforcement, to which Dave said he hasn't seen enforcement in 3 months.

Mayor Becksted said that Cate Street is scheduled to reopen, which will give relief to Bartlett and Bennett Streets, to which Director Rice said they expect it to open in summer 2021. This will close truck traffic to Bartlett Street.

Assistant Mayor Splaine added that while he served on Police Commission, the situation on Bartlett street was probably the number one discussion - the speeding and rolling stops. This is something city councils have dealt with for years. Asked whether the blinking, speeding signs does encourage people to slow down. Director Rice said he would talk to Eric Eby to see

whether one can be installed there.

Laura Pantelakos:

She has no question - wanted to thank the Portsmouth Fire Department for pushing to administer the shots. It wouldn't have been here if the fire chief had not fought for it.

Nicholas Kirsch:

160 Cutts Street. Couple of comments: supports the study around the I-95 sound barrier. Echo his neighbor on concern for a bypass at the Maplewood intersection. The other part of it is with Maplewood - going out of town - west bound to south on Cutts Street to South bypass. There was a big study before roadwork, large amount of accidents. Requested a barrier, looked like it would happen, but then issues with USDOT had to have ability to go over mountable curb. Now its just paint stripes. Cars going high speed around corner, literally in to oncoming traffic going up off the bypass. Son goes to New Franklin School, thrilled with accolades and awards. Noticed a lot of cars driving behind schools.

Robin Rousseau:

Two more questions actually. Health and safety related: 8 part time parking enforcement employees. She has bird's eye view of Congress and Market Square - those employees are having to work through snow, heat, thunderstorms, rain, heavy wind. Talked to them, they were asked to work on Easter. We can do better as a city. She needs to move car every three hours if they are working - is it possible to not make them work. Director Rice said that the employees understand the conditions they have to work with. He has discussed this with Robin before. It's a valid point, but operations are based on all conditions of weather.

Another comment: parking snow ban issue, she asks that a snow ban be called early for the elderly and physically challenged who can't see or operate in dark. Sometimes bans are called around 4 pm. Please call before 12 noon. When it ends, please give time for sidewalks and streets to be cleared more. People do live downtown, please take them into consideration and accommodate businesses and residents.

Director Rice is aware of different conditions and timing and tries to work with them.

Peter Somssich: Echoes Laura in thanking the fire chief on vaccinations. What Peter Rice said about parking garage - he assumes Mr. Rice wouldn't up the lighting in garage. If approach to that garage looked as attractive as the Memorial Bridge, people may want to go there. General topic for whole city: Paul Mannle and he have been working over past couple of years about the city's approach to sewer and water rates. Sewer and water rates for residents should be lowered and those for high consumers of water - hotels, restaurants, hospitals, Lonza - be dramatically increased. This would result in a revenue neutral approach. The city should place a higher priority for drinking water over a commercial entities' use of water which produces income for it. Water as a commodity is a scarcity and our approach with neighboring towns and companies

should be looked at in more depth.

Laura Pantelakos: Just wanted to congratulate new chief of police.

Councilor Deaglan McEachern: He thanks the committee, mayor and assistant mayor, police and fire chief and Manager Conard. Resident of Ward 1 - traffic is an issue. He is excited about Cate Street and Hodgton opening. Maplewood and Cutts Street - he was almost hit on that the other day - really important to raise them. Lot of growth in Ward 1, lots going on in ward. Thanked CNC for creating this format and making it successful.

City Manager answered some of the questions posed beforehand:

1. Are members of city council still being assigned as ward representatives? No, this was done away with several years ago. Assistant Mayor Splaine is the CNC representative and is wearing all five hats for the wards.
2. Status of neighborhood parking program. At next PTS meeting (April 8), there will be a discussion on how to kick off pilot for the Islington Creek neighborhood.
3. Question for Director Rice. There is no shade on Bohenko park - lack of sun/rain protection - any chance that can happen? Director said that he will take a look at it but they are tight on resources. First they will need to get experience with use of park and then budget for amenities.
4. Question for Director Rice and Chief Newport. What to do if you see a car without a handicapped parking sticker parked in handicapped spot? Director Rice and Chief Newport said you could talk to parking enforcement at Foundry or contact the police.
5. Question for Chief Newport about the safety of children. How can you find out about registered sex offenders by street? Chief Newport said to go to www.cityofportsmouth.com/police. Link under resources that will lead you to Safety Resources and the link: state.nh.business/gov/nsro, which is the sex offender registry.
6. Will there be more trash barrels placed around town? Dog poop bags have been sighted in Kearsarge Way wood area. Director Rice responded that more barrels does not necessarily mean less poop bags, people tend to just drop them on the street even with trash barrels. Barrels are in the most logical places; he plans to check out Kearsarge Way area to see if there is a logical place out there or a route where garbage collection currently takes place.
7. Will there be a thorough cleaning of the sidewalks and brush on Market Street between Spinnaker Point and Portsmouth Boulevard and between BJ's Wholesale Club and Wendy's as it is full of trash right now? Director Rice said yes that this is done usually every spring.
8. Could there be more of police presence at Spinnaker Point day and night - additional patrols in area; some residents don't feel safe right now. Chief Newport said that he will pass that information on.

9. Market Street is dark from Spinnaker Point to Market Basket, which is a concern for a child walking to work there. Is there a status on putting more light sources there? Director Rice will take a look at it to improve lighting. The Planning Department is trying to improve that corridor for pedestrians and bicyclist and that would likely mean improving lighting there. He will put on his list to check to see if there are existing light poles or power sources they can work off of.

Assistant Mayor Jim Splaine had a question of Director Rice. He said one of the best new programs in DPW is the Click N Fix, asked Director Rice to explain how easy it is, if it can be done anonymously. Peter provided slide with link - it can be anonymous - App can be used on phone or computer. It goes directly to the appropriate division in DPW with a tracking number. It provides metric to see how quickly item has been addressed. It is to be used for maintenance, not a Capital Improvement Plan. Residents can always call as well and dispatch will enter information for you, and assign number so it can be tracked.

Lori and Larry concluded by thanking all participants. Larry spoke of the need for diversity going forward. With no further business to discuss, meeting was adjourned at 8:15 pm.

Respectfully submitted,

Beth S. Margeson
Secretary

Citywide Neighborhood Committee Meeting Wednesday, April 21, 2021, 7:00 pm

I. and II.

The meeting was called to order at 7:00 pm and attendance was taken

Committee Attendees: Larry Cataldo, Lori Soloway, Mark Syracuse, Dave Cosgrove, Assistant Mayor Jim Splaine, Paul Mannle and Beth Margeson. All participated via Zoom.

City Staff: Peter Stith, Planning Department coordinated Zoom for City, Robert P. Sullivan, City Attorney, Stephanie Seacord, Public Information Officer, and Jane Ferrini, City Attorney's Office. All participated via Zoom.

Members of the public present: Lenore Bronson, Judy Miller, Kathleen Bergeron, Amy Abbott, Kim Vargo, Matt Brewster, Rich Pettigrew, Brenna Jennings, Marian Ellis, Brooke Sokolnicki, Bryan Rogers, Janice Hodges, Kelly Sieper, Luis Guijarro, Lyndsey Bouzakine, Michelle Gregg, Rachel Delisle, Ken Goldman, Patrick Ellis, Theresa Garabedian and an individual with "keyesww" as screen name.

Elected Officials Present: Mayor Rick Becksted, Councilor Esther Kennedy, Councilor Paige Trace, and Fire Commissioner Dickie Gamester.

Discussion Items:

III. Discussion of Neighborhood Issues:

1. Lenore Bronson brought up an issue on behalf of the Frank Jones neighborhood. The issue is regarding traffic and safety on the residential part of Maplewood Avenue. The neighborhood has been told it could not have stop signs, between Bartlett Street and Market Street extension. She thinks it's the longest stretch of residential road in Portsmouth without a stop sign, it has crosswalks but it is dangerous and there is a history of bad accidents, especially at the corner of Farm Lane and Woodbury Avenue. The neighborhood was successful in having a no truck ordinance enforced with signage on Farm Lane and Woodbury; it's not always adhered to but it's better. There are a few car dealerships in the area and they have been better about bringing their cars in on the big trucks. There is police enforcement at times. The bottom line is that this has been an issue for 30 years, there have been appeals to Parking Traffic Safety, Planning Department and Department of Public Works but so far nothing, although former councilors Ken Smith and Brad Lown were in support of putting a stop sign on the road. She stated that she was told that if this were a part of the city that were more politically powerful, they would have gotten a stop sign by now.

Committee Member Mark Syracuse suggested calling the Planning Department at 610- 7245, which Ms. Bronson stated would not likely be helpful. Chair Larry Cataldo suggested sending an e-mail to Councilor Peter Whelan, head of Parking Traffic and Safety, Peter Rice, Department of

Public Works and Chief of Police, Mark Newport. Ms. Bronson said it is difficult to know who has the final say. She stated the neighborhood has been too vocal and shot itself in the foot; that they were told they needed to appeal to safety not slowing down. They have been told there is not enough traffic on the road and three-way stops are not permitted. That they are apprehensive to take walks. Asst. Mayor Splaine suggested flashing speed signs as a good way to slow down, to which Ms. Bronson said they really need stop signs. Asst. Mayor Splaine suggested that she write a letter to the City Council.

2. The City Attorney, Bob Sullivan was welcomed and invited to answer questions on:

b. Right to know laws that govern our committee - Committee member Soloway asked whether the CNC can have a formal meeting without taking notes and what constitutes a formal meeting?

Attorney Sullivan stated that the CNC is a Mayor's Blue Ribbon Committee and that's a critical piece. The RTK law, which has a significant number of formalities, applies to public bodies, like the City Council which is a legislative body. As the CNC is advisory to the City Council, it would normally have to be fully compliant with RTK. It must post Notices of Meetings, Minutes of Meetings, and be aware of not meeting a quorum, either when meeting in person or through electronic communications.

Since the CNC is a Mayor's Blue Ribbon Committee, however, the mayor must determine its status under RTK. The mayor is not a legislative body, it is a single elected official. If the CNC were an advisory committee to the mayor as opposed to the City Council, RTK would not apply.

Even so, however, the CNC performs a function in which the public might be interested. His recommendation is to the extent that we can do it without too much effort, the CNC should approach the spirit of RTK, if not the literal word of it, which means 24 hour notice of meetings published in two places, keep minutes indicating when meetings are held, who is present, and any actions taken. As CNC already does this, he recommends to continue doing it. He stated that all records of public bodies are presumptively public and must be made available to the public on demand. This includes an e-mail correspondence that Larry had with him about this meeting - that is a public record.

Lori Soloway then asked whether the CNC could meet and brainstorm without keeping minutes, to which Attorney Sullivan said yes.

c. Options for residents to establish a new neighborhood association for the Elwyn Park neighborhood. Elwyn Park has not appeared as a neighborhood association on the map in a while; it did not have a National Night Out for a number of years. Regina Road opted into the FW Hartford site stating it did not want to do their own. Kathy Bergeron said that the map of the neighborhood associations on the city website is from 2014; it needs updating as a lot has changed since then. That takes a lot of work.

Brenna Jennings of Elwyn Park said that neighbors outside of a closed Facebook page were not being communicated with about meetings and other issues. She wonders what to do for

those without Smartphones, computers, etc., and the ways other modes of communications, such as Ch. 22 could be utilized.

Can Elwyn Park adopt an association model, something like New Castle, a phone directory with names, addressees and phone number, like an advertiser could pay for, a newsletter or a kiosk?

Attorney Sullivan noted that when the Woodlands was developed 45 or 50 years ago, inserted into the deed of every property was a requirement that every owner be a member of homeowners association obligating every homeowner to comply with association regulations and contribute money for general upkeep of common areas. In order to have that kind of binding arrangement, it would have had to have been done when Elwyn Park was first developed - you can't compel this kind of association. What Elwyn Park can do is form a voluntary association for any lawful purpose and define what that lawful purpose is - with committees - assess money to give the neighborhood a sense of belonging and investment in the area/group, something like putting up a granite marker.

A suggestion was made to do flyers - spend \$200 on them - do projects based on communication, make a sign kiosk.

Attorney Sullivan followed up to Ms. Jennings to say that a voluntary association can state a broad or expansive purpose, state how decisions are made and then have people sign it.

Patrick Ellis offered a quick comment and question: a voluntary association sounds benign; the effort is not actually benign. It can create leverage for special interest groups - such an association could be used as representing a neighborhood and going to city council stating we disagree with x, y and z, that this has been thoroughly vetted with the neighbors. It could be used to misrepresent a neighborhood - where a minority represents the will of the people and this is not accurate.

Attorney Sullivan followed up to Mr. Ellis that an Association can decide to only take positions when 2/3 of members vote to do it, but sometimes cannot do it and only on physical improvements, as an example. As a practical matter, it can be defined in any way.

Committee member Mark Syracuse stated that if a group of 10 or 11 make up an Association, it can make its own rules, vote for a president and give power to represent association, making it open membership. Instead of 350 people, but only 10 people saying they represent 350 people, the city council would have the ability to separate the wheat from the chaff.

Councilor Esther Kennedy interjected and talked about the Friends of the South End, for which she is on the board. It makes up about 300 people and, if members won't advocate for something unless everyone is on board. It is mostly a social way to get to know neighbors - tries to do an event a month, ice cream social, lobster bake, prepares National Night Out, Faerie House Tour. FOSE is a 501 (c)(3). Yes there are conflicts, and FOSE is sometimes a way to work through and discuss them. She said that the South End has had a number of contentious issues such as Strawberry Banke's skating rink, where there was a 50/50 neighborhood split.

FOSE stepped back. In response to a question about how much FOSE was political, Councilor Kennedy stated very little as it holds a “get to know your councilor” night for municipal elections. She noted that within the board, some are mediators, who are very interested in giving to the community, and do run for council. Organizing to hold a National Night Out is a good way to start out informally.

Chair Cataldo also noted that he is a member of the Islington Creek Neighborhood Association which is less formal than FOSE. They, similar to the South End hold National Night Out, sponsor nights for City Council candidates and hold meetings and/or communicate within the group about issues like parking and development. They avoid being involved in politics.

Committee member Paul Mannle said that creating a directory is wonderful.

Judith Miller lives on Hanover Street and would like to form a Downtown Neighborhood Group. She and her husband of Harbour Hill Condo Association have names of condominium board members. She thinks it is important for downtown to have a neighborhood association. She will follow up with Councilor Kennedy about what FOSE has done. Chair Cataldo noted that communicating with other condo associations downtown to form a neighborhood group is a good jumping off point with a structure already in place. There was a downtown association years ago, but isn't one now. He suggested sending an e-mail to CNCportsmouth@gmail.com for more information.

d. How to cut the “blue ribbon” and become a more independent neighborhood committee - Paul Mannle:

Committee member Mannle addressed keeping CNC and any of its iterations independent from City Hall - right now it's a BRC, only advisory to the mayor. What about making it a stand-alone committee, to change the rules and make it subject to council approval. To keep it independent - change rules as to independence, put in terms of service in that it wouldn't be subject to every administration to reappoint committee - just have staggered terms of service, so it functions like the school board. Another option is to have it completely separate from city council, a stand alone committee which is not subject to RTK, to which Attorney Sullivan said it is advantageous to keep working in direct relationship with the City Council and mayor noting all the city councilors in attendance at the meeting.

IV. Initial comments on more diversity inclusion in the future - Larry Cataldo.

Chair Cataldo reached out to Craig Welch and Chief Newport to make sure that we are reaching everyone and being inclusive, noting that while only 10% of the population is non white, it is important to hear from everyone. There is a sizable Indonesian population in the city that has not been heard from. Asst. Mayor Splaine that in a diverse, welcoming community, everyone should be able to be welcomed and that the CNC should find a way to facilitate that and working through small organizations that have meeting lists, be able to reach out. He also recommended that we consider forming a welcome wagon for new residents.

V. Next Zoom committee meeting is on Wednesday, May 26th at 7:00 pm.

Mark Syracuse asked as to when we might be able to go back into City Chambers. Mayor Becksted responded that he is hopeful for the city council to go back to in-person meetings beginning May 17. Councilor Trace said it was likely that it would be a hybrid where the council is back but the public is not. Asst. Mayor Splaine said that the pandemic is not over and decisions will be made with the city manager and health officer.

Chair Larry Cataldo thanked all the participants including the mayor and city councilors in attendance. He gave a special thanks to the undersigned for the detailed and informative meeting minutes for the March 31, 2021 Ward 1 Forum. With no further business to be discussed, the meeting was adjourned at 8:30.

Respectfully submitted

/s/ Beth S. Margeson

Secretary