

CITY COUNCIL MEETING

PUBLIC PARTICIPATION TO BE CONDUCTED VIA ZOOM ONLY.

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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>.

THE CITY COUNCIL, CITY MANAGER, CITY ATTORNEY & CITY CLERK WILL BE MEETING IN PERSON

DATE: MONDAY, JUNE 7, 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 – MAY 17, 2021; JUNE 1, 2021; AUGUST 18, 2020; SEPTEMBER 14, 2020 & SEPTEMBER 22, 2020 (*Sample motion – move to accept and approve the minutes of the May 17, 2021; June 1, 2021; August 18, 2020; September 14, 2020 and September 22, 2020 City Council meetings*)
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS
 - A. *Recognition of Fire Department and Health Department Staff for COVID-19 Vaccination Efforts
 - B. Sustainable Practices Committee Presentation: Community Power – Councilor Lazenby & Portsmouth High School Eco Club – Darla Mahoney and Maya McKinnon
- IX. PUBLIC COMMENT SESSION – (*Via Zoom*)
- X. PUBLIC DIALOGUE SUMMARY [when applicable] - **POSTPONED**
- XI. PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS

Public Hearings/Second Reading of Ordinances:

 - A. *RECOGNIZING INDIGENOUS PEOPLES' DAY EACH YEAR INSTEAD OF WHAT HAS BEEN TYPICALLY DESIGNATED BY THE STATE OF NEW HAMPSHIRE AS COLUMBUS DAY (*Continued from the May 17, 2021 City Council meeting*)

(Sample motion – move to recognize Indigenous Peoples’ Day each year instead of what has been typically designated by the State of New Hampshire as Columbus Day)

B. *REOPENING OF PUBLIC HEARING REGARDING FY22 BUDGET (*Continuation of Budget Public Hearing held on May 10, 2021*)

C. PUBLIC HEARING/ORDINANCE AMENDING CHAPTER 3, ARTICLE XI, FACE COVERINGS DURING THE COVID-19 PANDEMIC IS HEREBY REPEALED IN ITS ENTIRETY

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

(Sample motions – 1) move to pass second reading. 2) move to suspend the rules to take up third and final reading of the ordinance this evening. Please Note: A Two-Thirds vote is required for passage, 3) move to adopt third and final reading of the ordinance as presented)

D. PUBLIC HEARING/ORDINANCE AMENDING CHAPTER 7, ARTICLE VII, SECTION 7.702 – TRUCK TRAFFIC PROHIBITED

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

(Sample motion – move to pass second reading and schedule third and final reading at the June 21, 2021 City Council meeting)

Adoption of Proposed Budget Resolutions:

E. Adoption of Budget Resolutions for Fiscal Year July 1, 2021 through June 30, 2022 (FY22)

- Resolution No. 7-2021 – Municipal Fees (*Sample motion – move to adopt Resolution #7-2021 – Municipal Fees*)
- Resolution No. 8-2021 – General Fund Expenditures (*Sample motion – move to adopt Resolution #8-2021 – General Fund Expenditures*)
- Resolution No. 9-2021 – Sewer Fund Expenditures (*Sample motion – move to adopt Resolution #9-2021 – Sewer Fund Expenditures*)
- Resolution No. 10-2021 – Water Fund Expenditures (*Sample motion – move to adopt Resolution #10-2021 – Water Fund Expenditures*)
- Resolution No. 11-2021 – Special Revenues, Debt Service, Fund and Committed Fund Balances for Necessary Expenditures (*Sample motion – move to adopt Resolution #11-2021 – Special Revenues, Debt Service, Fund and Committed Fund Balance for Necessary Expenditures*)
- Resolution No. 12-2021 – Investment Policy (*Sample motion – move to adopt Resolution #12-2021 – Investment Policy*)

XII. MAYOR BECKSTED

1. Resignation of John Formella from the Zoning Board of Adjustment
2. Appointments to be Considered:
 - Appointment of Henry Mellynchuck to the Conservation Commission
 - Appointment of Beth Margeson to the Zoning Board of Adjustment
3. *Appointments to be Voted:
 - Richard Adams Reappointment to the Trees & Public Greenery Committee
 - Michael J. Griffin Reappointment to the Trees & Public Greenery Committee
 - Peter J. Loughlin Reappointment to the Trees & Public Greenery Committee
 - Dennis Souto Reappointment to the Trees & Public Greenery Committee

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. *Allowing for 60 days instead of 30 days for the payment of parking fees before they are increased due to non-payment
2. PFAS / Playing Fields (***Sample motion – move to refer to the City Manager for response back to the City Council within thirty days***)

B. COUNCILOR McEACHERN

1. *Request to Update Housing Needs Assessment

C. COUNCILOR LAZENBY

1. *Work Session Regarding Community Power (***Sample motion – move to schedule a City Council Work Session regarding Community Power during the summer 2021***)

D. COUNCILOR KENNEDY

1. *Portsmouth Skateboard Park Fund (***Sample motion – move to set up a designated city fund for the Portsmouth Skateboard Park. This fund will allow individuals and businesses to donate to the city on behalf of the new Portsmouth Skateboard Park***)
2. *Greenleaf Skateboard Park Event (***Sample motion – move to grant permission for the Mayor’s Blue Ribbon Committee to hold a celebration at the Greenleaf Skateboard Park. The event will occur on National Skateboard Day Monday, June 21, 2021 from 2:00 p.m. to 4:00 p.m. We would like to invite everyone for Pizza, Skateboard Tricks, Prizes and Fun***)

E. COUNCILOR HUDA

1. Creation of Ordinance Re: Independent Audit Committee (***Sample motion – move to create an ordinance that the City of Portsmouth permanently create and maintain an Independent Audit Committee. This Audit Committee will be composed of 5 members, one of whom will be a City Councilor, for the purpose of annually selecting & engaging an independent Certified Public Accounting Firm reporting directly to the City Council in compliance with the City Charter Section 7.4 – Independent Audit and the applicable laws of the State of New Hampshire***)
2. Discussion on City Manager & Staff responding to questions from the Council

F. COUNCILOR TABOR

1. Masks

XIV. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Community Development Block Fund Grants (***Sample motion – move to accept and expend a Community Development Block Grant in the amount of \$531,393 from the U.S. Department of Housing and Urban Development***)
- B. Acceptance of Memorial Bench Donation in Memory of Joe Iudice (***Sample motion – move to approve and accept the donation for a bench in memory of Joe Iudice, as presented***)
- C. Acceptance of Memorial Bench Donation in Memory of Rus Wilson (***Sample motion – move to approve and accept the donation for a bench in memory of Rus Wilson, as presented***)
- D. Acceptance of Grant from the NH Department of Safety to the Portsmouth Police Department for Night Vision Equipment (***Sample motion – move to accept and approve the grant for the Police Department from the NH Department of Safety in the amount of \$7,801.75 for night vision equipment***)
- E. Acceptance of Amended Grant from the NH Office of Highway Safety to the Portsmouth Police Department for FY21 Highway Safety (***Sample motion – move to accept and approve the amended grant for the Police Department from the NH Office of Highway Safety as presented***)
- F. Acceptance of a Donation of a Baby Gate from Port City Veterinary Referral Hospital to the Portsmouth Police Department's Animal Control Officer (***Sample motion – moved to accept and approve the donation of a baby gate from Port City Veterinary Referral Hospital as presented***)

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. *Proposed Art Donation by Dan Rawling
2. Acceptance of American Rescue Plan Act Funds and Request for Related Work Session
3. Report Back on 900 Middle Road Request for Unmerger of Involuntarily Merged Lots

XVI. CONSENT AGENDA

(Proper Motion for Adoption of Consent Agenda - move to adopt the Consent Agenda)

- A. Letter from Bruce Hurley, Seacoast Half Marathon, requesting permission to hold the 16th Annual Seacoast Half Marathon on Sunday, October 31, 2021 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

- B. Letter from Lilia Potter-Schwartz, Race to Educate, requesting permission to hold the 6th Annual Race to Educate on Saturday, July 31, 2021 **(Anticipated action – move to refer to the City Manager with Authority to Act)**
- C. Letter from Matt Junkin, Seacoast Rotary, requesting permission to hold the 13th Annual Seacoast Rotary Turkey Trot 5k on Thursday, November 25, 2021 **(Anticipated action – move to the City Manager with Authority to Act)**
- D. Letter from Michelle Bitterli requesting permission to hold free yoga classes at Prescott Park beginning June 7, 2021 through August 30, 2021 on Monday's and Wednesday's at 12:00 p.m. – 12:45 p.m. **(Anticipated action – move 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. Letter from Tina Sawtelle, The Music Hall, requesting permission for the closures of Chestnut Street, 1 lane of Hanover Street between Fleet Street and the Portwalk Garage entrance, and the southern half of Portwalk Place to present a multi-stage outdoor Music Festival on Saturday, September 25, 2021 to benefit the community's first responders and frontline essential workers **(Sample motion – move to refer to the City Manager with Authority to Act)**
- C. Letter from Tricia Donohue, Beth Hartnett and Tamara Henderson, Portsmouth Community Garden Steering Committee, requesting permission for the creation of a Portsmouth Community Garden partnership with the City of Portsmouth and require the following support:
 - Space at the Route 33 city-owned NH Rideshare Lot which has unused, open space with parking, sun exposure and flat topography
 - Extension of the water line to create two water stations at either end of the garden area
 - Any additional liability rider to existing city insurance policy to cover this Portsmouth Community Garden**(Sample motion – move to refer to the Legal Department for report back)**
- D. Letter from James Petersen and Mark Stebbins of the BRC to Reopen Portsmouth, and Kathryn Lynch of the BRC on Health, requesting the continuation of the indoor mask mandate when physical distancing cannot be maintained from persons outside one's household/cohort

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

- 1. Report Back on Various Budget Questions Posed by Councilors Kennedy and Huda

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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, MAY 17, 2021

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

At 6:00 p.m., Anticipated Non-Public Sessions were held regarding three topics:

- *FIRE CHIEF EMPLOYMENT AGREEMENT* – RSA 91-A:3, II (a)
- *SCHOOL SUPERINTENDENT EMPLOYMENT AGREEMENT* – RSA 91-A:3, II (a)
- *COLLECTIVE BARGAINING NEGOTIATIONS UPDATE* – RSA 91-A:3, II (a)

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

At 7:05 p.m. Assistant Mayor Splaine 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

Assistant Mayor Splaine asked for a moment of silent prayer.

VI. PLEDGE OF ALLEGIANCE

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

VII. ACCEPTANCE OF MINUTES – APRIL 19, 2021 AND MAY 3, 2021

Councilor McEachern moved to accept and approve the minutes of the April 19, 2021 and May 3, 2021 City Council meetings. Seconded by Councilor Huda and voted.

IX. PUBLIC COMMENT SESSION – *Participation via Zoom*

Arthur Clough spoke opposed to the proposed parking fine increases and said it feels like it is another grab by the City for additional monies.

Jackie Cali-Pitts – said she hopes that the City moves forward with the McIntyre project. She also spoke to a meeting that was to take place between the Peirce Island Committee and the Recreation Board. She stated because there has been no meeting between the two groups that the Recreation Board has been left out of the process.

Roy Helse asked if the Planning Board works for the City or developers. He said every time a variance is given the residents must pay more.

Stephanie Lazenby spoke in support of Indigenous Peoples' Day being celebrated in place of Columbus Day. She stated there is no tradition with celebrating Columbus Day.

Andrew Bagley spoke in favor of the McIntyre Subcommittee motion that appears on the agenda this evening under Councilor Whelan's name. He said it has been a clear and transparent process and we need to move forward. He also spoke on the increase in parking fines and said he finds them to be too high. In addition, he said he looks forward to the Audit Committee meetings in the future.

Ron Ulrich spoke regarding the current vote on Option I for the McIntyre project. He said as a member of Revisit there has been many claims on transparency. He spoke in support of the Binnie proposal for the McIntyre project. He asked the City Council what they have done differently from the former Council.

May Catino, Portsmouth High School student, Rye, NH spoke in support of Indigenous Peoples' Day instead of Columbus Day. She said there is currently a petition supporting Indigenous Peoples' Day which contains over 1,000 signatures.

William Downey thanked the City Council for entertaining questions and concerns over the last week regarding the McIntyre project. He said the plan in front of the City Council is based on an apathy approach. He stated it was disingenuous to say 50% supported the plan. He said the number of hours spent on this matter is not a validation for the community. He asked for a reconsideration of the rank choice survey.

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

Public Hearing – *Participation via Zoom*

- A. RECOGNIZING INDIGENOUS PEOPLES' DAY EACH YEAR INSTEAD OF WHAT HAS BEEN TYPICALLY DESIGNATED BY THE STATE OF NEW HAMPSHIRE AS COLUMBUS DAY

Mayor Becksted read the legal notice, declared the public hearing open and called for speakers.

Lilia Potter-Schwartz, Portsmouth High School, Rye, NH spoke in support of Indigenous Peoples' Day. She advised the City Council that it was first proposed to be recognized in 1977 and said currently over 100 cities and counties are recognizing Indigenous Peoples' Day.

Leo Swainbank said Columbus Day is not important enough to recognize Christopher Columbus. He spoke in support of Indigenous Peoples' Day being recognized moving forward.

Mya McKinnon, Portsmouth High School, spoke in support of Indigenous Peoples' Day and asked the City Council to stay true to their Resolution for racial justice. She stated she would like to make sure history is accurate and teachers provide an accurate learning experience for all.

Steve Zadavec, Superintendent, thanked the City Council for holding this public hearing and supporting our young leaders. He requested that the City Council recognize Indigenous Peoples' Day because it is the right thing to do.

Andrew Bagley spoke in support of Indigenous Peoples' Day and the work of the Portsmouth High School students. He said it is long overdue for the City to recognize Indigenous Peoples' Day.

Kristin Jeffrey, School Board Chair, spoke in support of changing Columbus Day to Indigenous Peoples' Day. She thanked the City Council for conducting this public hearing to discuss this request. She spoke to the Racial Justice Resolution that was adopted by the City Council and stated recognizing this would honor that Resolution and what the work looks like in practice. She thanked "We Speak" of Portsmouth High School for all of their work bring this matter forward.

Jackie Cali-Pitts said we need to look at some of the statements made about Christopher Columbus and what he was responsible for. She said who were the indigenous people and what happened to them. She stated it is important to get our history straight.

After three calls Mayor Becksted announced there were no further speakers this evening.

Mayor Becksted expressed concerns that there was no motion on the agenda regarding this matter and does feel more people would have come forward to speak if they knew there would be a motion made this evening.

Councilor Lazenby said he feels the motion is what is stated under the public hearing title of the agenda.

Councilor Lazenby moved to recognize Indigenous Peoples' Day each year instead of what has been typically designated by the State of New Hampshire as Columbus Day. Seconded by Assistant Mayor Splaine.

Councilor Lazenby asked City Attorney Sullivan what language would be appropriate for a motion because he was told this matter could come forward and be voted upon in one meeting. He spoke to the City Council agreeing to hold a public hearing on this matter in the future. He expressed his support for this request.

Councilor Tabor said he supports changing Columbus Day to Indigenous Peoples' Day. He said last year he requested to recognize both Columbus Day and Indigenous Peoples' Day. He spoke to the importance of this matter.

Assistant Mayor Splaine said he supports the motion. He said this day would be to educate people and we must tell the truth with real facts.

Councilor McEachern said he supports the motion and Indigenous Peoples' Day. He said this is not the first opposition to Columbus Day and now we have a group of students requesting the change.

Mayor Becksted said this is a sensitive issue and expressed concern with pitting one against the other.

Mayor Becksted moved to amend the motion to recognize Indigenous Peoples' Day and Columbus Day on the same day as a holiday. Seconded by Councilor Kennedy.

Mayor Becksted said he believes in sharing and not dividing and would like to see the motion on the next agenda.

City Attorney Sullivan said as Mayor, you are in charge of controlling the agenda and could rule items out of order, however, this ruling could be appealed and the affect would be to call for a vote and a majority vote over rules Mayor Becksted.

Mayor Becksted said he would like to have this discussion at the next City Council meeting and celebrate Indigenous Peoples' Day and Columbus Day.

Assistant Mayor Splaine asked Councilor Lazenby to place this motion on the next agenda and he would support it. He said it is not about groups it is about truth and education.

Councilor Lazenby said he has received 10 e-mails and most supported the idea and it was not lost on people, we were considering a motion. He does not feel anyone is pitting anyone against another, this is a positive step to consider.

Mayor Becksted said there was no motion on the agenda. He understands that if a motion is not on the agenda we do not act upon the issue.

Discussion ensued regarding whether or not the title was in fact intended to be the motion for the agenda.

City Attorney Sullivan explained that Columbus Day is a State holiday and you cannot change the name like the State can, but the City could hold conterminously with Columbus Day and the holiday would be called Indigenous Peoples' Day and this motion would accomplish this.

Councilor Lazenby asked would it work to continue the public hearing to the next City Council meeting with the intention to have a motion to act on in two weeks.

Councilor Kennedy asked how you put this motion forward if it is out of order.

City Attorney Sullivan said conterminously and naming Indigenous Peoples' Day with Columbus Day statewide.

Further discussion followed regarding this matter and moving forward with some sort of action.

Mayor Becksted said he would like the public hearing continued on the next City Council meeting with a motion on the agenda.

Councilor Lazenby said he respectfully requests that we have a motion and take action at the June 7, 2021 City Council meeting.

City Attorney Sullivan stated Mayor Becksted made a ruling that the motion be on the next agenda.

Mayor Becksted ruled to continue the Public Hearing at the June 7, 2021 City Council meeting with the motion to carry out the intent that the City Council would make a decision on Indigenous Peoples' Day over Columbus Day.

First Reading of Ordinance:

- B. First Reading of Ordinance amending Chapter 7, Article VII, Section 7.702 – Truck Traffic Prohibited – and Report Back

Councilor Kennedy moved to pass first reading and schedule a public hearing and second reading at the June 7, 2021 City Council meeting. Seconded by Councilor Huda.

Councilor Kennedy spoke regarding trucks that travel along roadways where they are prohibited.

Councilor McEachern spoke to the traffic calming measures that would come forward on this ordinance.

Mayor Becksted said that this will be a learning curve. He said spoke to trucks that would not be aware of this and how businesses would need to post notices.

Councilor Huda said the traffic on Dennett Street to Woodbury Avenue takes two to three hours and is paralyzing to the area.

Parking and Transportation Engineer Eby spoke to a map of routes that would be impacted by no truck traffic. He addressed the removal of part of the restrictions on Cate Street.

Motion passed.

Third and Final Reading of Ordinance:

- C. Third and Final Reading of Ordinance amending Chapter 7, Article IX, Section 7.901 – PENALTIES, FORFEITURES AND SEPARABILITY

Councilor Kennedy moved to adopt third and final reading of the ordinance. Seconded by Councilor Huda.

Assistant Mayor Splaine spoke opposed to the ordinance and increase in fines. He also stated that people should have more than 30 days to pay the fine.

Councilor McEachern said there is a need to move parked cars from the streets and maybe we look at other programs that could be created.

Councilor Whelan said he would support the motion and the recommendation to increase the fines by Parking Director Fletcher. He said the fine system is currently structured for people to over stay at the meters.

Mayor Becksted said he is concerned with the fee doubling. He said right now we need to bring people into the City as we come out of COVID. He said he would support the issuance of multiple tickets.

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

XII. MAYOR BECKSTED

1. Appointments to be Considered:
 - Richard Adams Reappointment to the Trees & Public Greenery Committee
 - Michael J. Griffin Reappointment to the Trees & Public Greenery Committee
 - Peter J. Loughlin Reappointment to the Trees & Public Greenery Committee
 - Dennis Souto Reappointment to the Trees & Public Greenery Committee

The City Council considered the reappointments as outlined above which will be voted upon at the June 7, 2021 City Council meeting.

2. Appointment to be Voted:
 - Daniel Brown to the Historic District Commission

Councilor Kennedy moved the appointment of Daniel Brown to the Historic District Commission until June 1, 2024. Seconded by Councilor Huda.

Councilor Lazenby asked who Daniel Brown would be replacing. Mayor Becksted advised the City Council that he decided to make a change and not reappoint Vincent Lombardi.

Councilor McEachern extended thanks and appreciation to Mr. Lombardi for his service to the community.

Councilor Lazenby thanked Mr. Lombardi for his service to the City and he would prefer it if the Mayor decided not to reappoint a person that the new appointee serve as an alternate and not a regular member of the board or commission.

Motion passed. Councilor Lazenby voted opposed.

XIII. CITY COUNCIL MEMBERS

A. COUNCILOR WHELAN

1. McIntyre Subcommittee

Councilor Whelan moved that the McIntyre Subcommittee as presently constituted authorized to commence negotiations with the City's development partner Redgate/Kane in an effort to bring about the withdrawal of the SoBow Square LLC vs. City of Portsmouth lawsuit by means of an agreement under which SoBow Square would construct and operate the McIntyre project in general conformance with the preferred design Concept (Scheme I) presented by the report of the Principle Group dated May 4th, with any such agreement being brought back to the City Council for final approval. Seconded by Councilor Trace.

Councilor Whelan said on May 4th the Principle Group presented the Vision Report. He said they appreciate all the questions and tried to address them all. He advised the City Council that the Subcommittee will have another session with the GSA and the National Park Service this week. He spoke to the number of hours spent over the last year on this matter and said this has been one of the most engaging processes, starting from the beginning. He stated that the project would be tweaked as we move through the process and not everyone will agree with the motion but he feels that the majority will, and that this has been an open and fair process.

Councilor Kennedy asked if there is a way to put a concept design into the motion. Councilor Whelan said the motion contains the language "preferred design concept."

Councilor Kennedy said she presented her items not as demands but for clarification. She spoke to the plan and the percentage that would be for community property and open space. She said the only two things not in the plan would be an opportunity to have historical pieces of the former State House and the set back on Bow Street, which was not delineated as a 70ft set back.

Councilor McEachern said we spent a great deal of time with City Attorney Sullivan on the motion. He said it is the Subcommittees assumption that things will need to change and things hopefully, will improve. He stated one group was adamant that the entire project was looked at that made a better plan. Councilor McEachern said that this is a work in progress and we want to see what the development partner wants to work on with us.

Councilor Huda said she participated in the process and does not feel it is the best concept for the residents, but is a start. She said we need to look to achieve more positive data.

Councilor Tabor said we inherited a tricky situation and the process was adopted in order to create a new process, which took time. He stated the original plan did not have public confidence. He spoke to the Portsmouth Listens process and said it was very fair, and the plan before us is the final selection by a significant score. He spoke to the various events that could take place with this plan and what it would look like bringing the post office back. Councilor Tabor urged the City Council to vote their conscience.

Councilor Trace thanked Councilor Tabor for his comments regarding what the Subcommittee tried to attain for the city. She said not once during the meetings did the Subcommittee make their opinions known. She stated the City Council should vote through the project that will benefit the greatest part of the City.

Councilor Lazenby said there is much to like about the plan and proposal. He said he appreciates the work of the Subcommittee and understands the concerns expressed along the way. He stated it is not a clear science how people think we should move forward with this matter. He spoke to amending the square footage in the table listed on page 88, which impacts values.

Councilor Whelan said there is still much to do with the plan and agreements before coming back to the City Council, Historic District Commission and Planning Board.

Assistant Mayor Splaine said he has thought a great deal regarding this matter. He said there has not been much discussions with Redgate Kane on any of the concepts. He stated he does not see an end in sight without having involved Redgate Kane up to this point. He spoke opposed to the survey and urged the Subcommittee to go into negotiations with Redgate Kane to not involve the rest of the Council.

Discussion followed regarding the process and moving forward.

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.

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

B. COUNCILOR KENNEDY

1. Walking trails on Peirce Island

Councilor Kennedy moved for a report back from the city on the following: 1) What is the city's plan to groom the walking trails on Peirce Island? 2) What is the design plan for public areas after the treatment plant updates? Seconded by Assistant Mayor Splaine.

Councilor Kennedy said she may consider doing a walk and inquired as to the responsibilities of the Peirce Island Committee to assist in the process. She also indicated that Peirce Island Committee and the Recreation Board has had their meeting and the Recreation Board can be involved with anything on Peirce Island.

Assistant Mayor Splaine said we need to make sure the Recreation Board is informed and invited. He said site walks are an excellent idea and thanked Councilor Kennedy for coming up with the approach.

Assistant Mayor Splaine moved to amend the motion to include a site walk of Peirce Island. Councilor Kennedy accepted this as a friendly amendment to the main motion.

Councilor McEachern said he would like to combine the site walk with opening up of Peirce Island. Councilor Kennedy accepted this as a friendly amendment to the main motion.

Councilor Trace inquired as to the status of Methuen Construction's remaining work at Peirce Island along with a review of the original plans versus what is actually taking place and further what was approved and included in the bid for the work being conducted. Councilor Kennedy accepted this as a friendly amendment to the main motion.

Motion passed as follows: Moved to conduct a site walk of Peirce Island that will coincide with the opening of the Island, with a report back from the City on the following: 1) What is the city's plan to groom the walking trails on Peirce Island? 2) What is the design plan for public areas after the treatment plant updates? and 3) the status of Methuen Construction's remaining work at Peirce Island along with a review of the original plans versus what is actually taking place and further what was approved and included in the bid for the work being conducted.

C. COUNCLOR HUDA

1. Report back to the Council on the first meeting of the Mayor's Blue Ribbon Committee Audit Committee including a recommendation for an audit firm to be voted on by the Council

Councilor Huda provided a brief report on the Mayor's Blue Ribbon Committee Audit Committee meeting. She said one proposal was received and that was from Melanson.

2. As Advised by City Legal Counsel, I would request that another Councilor make a motion to approve the recommendation of the Auditor by the Mayor's Blue Ribbon Audit Committee and authorize the Audit Committee and Legal Department to move forward with the negotiations of a contract

Councilor Kennedy moved to approve the recommendation of the Auditor by the Mayor's Blue Ribbon Audit Committee and authorize the Audit Committee and the City Legal Department to move forward with the negotiation of the contract. Seconded by Councilor Tabor.

Councilor Tabor said in the future he would like us to find ways to get more firms to participate in the bid process.

Motion passed.

D. COUNCILOR TRACE

1. A Report from the Historic District Commission – The unanimous vote by the Commission to have the City Council Representative bring forward to the City Council the Commissioners' frustration with not being allowed to participate as residents in the McIntyre process to date

Councilor Trace advised the City Council that the Commissioners expressed their frustration with the inability to participate in the McIntyre process. She said that the Historic District Commission is quasi-judicial and should not have an opinion until it is presented to them. She said the members expressed concern as to why they were not allowed as residents to participate. She said it would make sense for the City Attorney to provide an opinion on this matter. She requested that City Attorney Sullivan make a presentation at the next meetings of the Land Use Boards regarding there Quasi-Judicial nature.

Mayor Becksted said perhaps it is time for a video or package to be prepared on this matter for the boards to refer to by the City Attorney. City Attorney Sullivan said he could provide a presentation much like he did five to six years ago relative to this matter.

2. McIntyre Subcommittee

Councilor Trace removed this item, as it was in support of Councilor Whelan's motion.

XIV. APPROVAL OF GRANTS/DONATIONS

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

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Approval of Fire Chief Employment Agreement

City Manager Conard said amendment to the Fire Chief's Employment Agreement relative to salary is before you for action this evening and recommended its approval.

Assistant Mayor Splaine moved to ratify the agreement as presented with Fire Chief Todd Germain. Seconded by Councilor Lazenby and voted.

2. Approval of Superintendent Employment Agreement

City Manager Conard stated a one year extension to the Employment Agreement with Superintendent Zdravec is before you for action this evening. She indicated the School Board is recommending its approval.

Councilor McEachern moved to ratify the agreement as presented with School Superintendent, Steve Zdravec. Seconded by Councilor Huda and voted.

XVI. CONSENT AGENDA

- A. Request for License to Install a Projecting Sign for owner Marianne Janik of Callib., for property located at 21 Daniel 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***

Councilor Kennedy moved to adopt the Consent Agenda. Seconded by Councilor McEachern and voted.

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence

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

- B. Request of Restoration of Involuntary Merged Lot – 135 Thaxter Road

Councilor Kennedy moved to refer to the Planning Board and City Assessor for report back. Seconded by Councilor McEachern and voted.

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Report Back on March 2021 Monthly Summary Report as Requested by Councilor Huda at the May 3rd City Council Meeting
2. *Report Back on all North Mill Pond Development Projects and Endangered Species as Requested by Councilor Trace at the May 3, 2021 City Council Meeting

Councilor Trace requested a presentation on the different threats to the North Mill Pond and the endangered species of the pond in addition to, what is being done to protect them.

Councilor Kennedy asked what organization was used for obtaining the information provided. City Manager Conard said she would look up the source and provide that information to the City Council.

3. Update on Reimbursement for COVID-19 Vaccination Efforts

Councilor Huda asked if the reimbursement received would offset the expenses we have incurred and where we stand at this point in time.

4. Household Hazardous Waste Collection Day

City Manager Conard announced that Household Hazardous Waste Collection Day will take place on Saturday, May 22, 2021 at the Public Works Department.

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor McEachern announced that resident Michelle Sechser and her rowing partner Molly Reckford are heading to the Tokyo Olympics to compete for a gold medal after winning the 2021 World Rowing Final Olympic Qualification Regatta.

Assistant Mayor Splaine asked for an update on where we are with the issue of opening buildings and the wearing of face coverings. City Manager Conard spoke to her meeting with Health Director Kim McNamara on vaccination rates. She stated that the mask mandate still exists and that city buildings will begin opening up to the public on Monday, May 24, 2021. Assistant Mayor Splaine said the City Council may revisit the matter of masks soon.

Councilor Kennedy asked when the City Council could expect the report back on the Demolition Committee.

XX. ADJOURNMENT

At 10:25 p.m., Councilor McEachern moved to adjourn. Seconded by Councilor Huda and voted.

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

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

SPECIAL CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: TUESDAY, JUNE 1, 2021

PORTSMOUTH, NH
TIME: 6:00PM [or thereafter]

I. CALL TO ORDER

Mayor Becksted called the special meeting to order at 6:00 p.m.

II. ROLL CALL

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

ABSENT: Councilor McEachern

III. First Reading to Real Chapter 3, Article XI – Face Coverings during the COVID-19 Pandemic Ordinance

Assistant Mayor Splaine moved to pass first reading and schedule a public hearing and second reading of the ordinance at the June 7, 2021 City Council meeting. Seconded by Councilor Huda.

Assistant Mayor Splaine asked City Attorney Sullivan to speak to the impact of the ordinance, concerns and rights of businesses, organizations and schools to do as they wish for requiring masks. City Attorney Sullivan said Governor Sununu made it clear by the Attorney General that private businesses would retain the right to run their own businesses regardless of the State or City. With that being said, businesses, organizations and schools would need to stay away from race, religion, natural origin and gender which include requiring customers to wear masks whether the ordinance is repealed or not. Assistant Mayor Splaine said the City would support that. City Attorney Sullivan went on to say that a business could ask someone to leave or the Police Department could be called for legal trespass. In addition, City Attorney Sullivan stated that the School Department makes the decision regarding the authority to require masks at schools.

Mayor Becksted said the non-profits would be able to do as they wish, as to requiring masks.

Councilor Lazenby asked City Manager Conard if the Arts and Non-Profits Blue Ribbon Committee request that businesses be allowed to require masks indoors. City Manager Conard said the BRC to Reopen Portsmouth and the BRC on Health will weigh-in to request that indoors masks remain in place until June 30th.

Councilor Tabor said if we vote to repeal the ordinance for outside and cap requirement for inside until June 30th what would the Council need to do. City Attorney Sullivan indicated the Council could do that but you would need to suspend the rules for amendments at first reading and determine the wording of the amendment. He suggested to pass first reading as is and he could prepare an amendment to bring forward at second reading at the June 7th City Council meeting. Councilor Tabor

said people that are vaccinated can be outside and be safe but you still have people inside that are not vaccinated that could transmit COVID-19.

Mayor Becksted said the CDC recommends no masks and the City must determine what kind of guidelines we will follow. He said residents, staff and the Fire Department has got us to where we are and he looks forward to the conversation at the June 7th City Council meeting.

Councilor Whelan asked if we still are restricting people inside restaurants and when will that change. City Manager Conard said we would look to do that on June 30th based on CDC recommendations and also go with the will of the City Council.

Councilor Lazenby said he would support to have the option to amend the ordinance at second reading available at the June 7th City Council meeting.

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

IV. PUBLIC COMMENT SESSION

Ben Vancamp – said over the past week he has spoken with businesses on this matter and opinions are all over the place. He said businesses feel they are losing business because of the mask mandate however, they are concerned for the 12-15 year olds. He stated he trusts the experts, our health officer and officials to hold off and maintain the mask mandate until the end of June.

Scott Chaudoin said he feels it is ridiculous to have to wear a mask around the City because he is fully vaccinated. He said it is time to lift the mandate.

After three calls and no further speakers, Mayor Becksted closed the Public Comment Session.

V. ADJOURNMENT

At 6:20 p.m., Assistant Mayor Splaine moved to adjourn. Seconded by Councilor Kennedy and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: TUESDAY, AUGUST 18, 2020

PORTSMOUTH, NH
TIME: 7:00PM

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_6B7HmG2OStSgQ83W7gXxkw.

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 2020-16, 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.

(Recessed from the August 3, 2020 City Council meeting)

Items stricken have been voted upon

- ~~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~~
- ~~VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS~~
- ~~IX. PUBLIC COMMENT SESSION – (Via Zoom)~~
- ~~X. PUBLIC DIALOGUE SUMMARY [when applicable] – **POSTPONED**~~
- XI. PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS
 - A. Public Hearing and Second Reading of Ordinance

ORDINANCE AMENDING CHAPTER 3 – PUBLIC HEALTH, ARTICLE XI – FACE COVERINGS DURING THE COVID-19 PANDEMIC, SECTION 3.1101 – FACE COVERINGS REQUIRED

 - **PRESENTATION**

There was no Presentation.

- **CITY COUNCIL QUESTIONS**

Mayor Becksted questioned if any of the Councilors had any questions or comments about the proposed Ordinance.

Councilor Kennedy commented that many people are concerned about being able to walk around their neighborhood without being arrested. Councilor Kennedy proposed limiting this policy to the Downtown Overlay District.

City Attorney Sullivan noted that this was the second reading of the Ordinance. If the Council wants to make any changes to the Ordinance at this point, it needs to be made via a motion.

Councilor Trace commented that there were parts of the proposed ordinance that should be simplified. The simpler it is the better off the residents would be able to follow it.

Assistant Mayor Splaine commented that he had some proposed changes. It would be good to have the public hearing first to see what the residents have to say.

Councilor Lazenby agreed with Councilor Trace. They should try to keep the initiative simple and straightforward. They should not restrict the ordinance to a specific area. Applying this to the whole City simplifies it. There is commerce and other group activities outside of the downtown too.

Councilor Tabor agreed with keeping it citywide. There are restaurants, schools, and commerce outside of the downtown. Extra protection would be prudent.

Mayor Becksted commented that they already have guidance in place for indoor locations. Private stores mandate they will not serve without a mask. Schools already have procedures in place. Mayor Becksted suggested limiting it to outdoors. City Council is creating rules with no real support of any kind from science or local or state government. It does not justify a mask mandate. Portsmouth has 5 cases. The biggest concerns are from people who are downtown and visitors. The resolution has been working and they have 60-70% of the public participating in it. The Police Commissioner is here tonight to discuss the cost of enforcing this. Council needs to be listening to staff. There is no recommendation from the Health Department.

Assistant Mayor Splaine commented that 70% of people are following the mask resolution which Council proposed 6 weeks ago. Medical professionals have said that if that gets up to 95%, then we can beat it. That is the science behind it. Mayor Becksted commented that the Health Department has said at this time they have no justification to do it. This is based on people's opinion.

Councilor Lazenby commented that they have received an endorsement memo from the Citizen Response Taskforce Health Subcommittee which includes representation from the Health Department and others in the medical field. They were specifically supporting the proposed mask ordinance.

City Manager Conard further clarified that the Public Health Officer has been clear about supporting the mask mandate. They are just not in an emergency status. The goal is to keep the numbers low.

- **PUBLIC HEARING SPEAKERS**

Kathy Baker of 127 Gates Street commented that laws are followed when rational and reasonable. Masks should not be considered at this time. There are fewer than 300 cases and they have been dropping since March. The health officials have said that an ordinance is not necessary because Portsmouth is not in a state of emergency. What that City is already doing is working. People are wearing masks inside. Outdoor transmission is negligible. People already wear masks where it makes sense. Asking people to wear masks outside while walking is taking unconstitutional measures.

Michael Torrent of 197 Madison Street thanked the Council for acting on this public health issue. It is good that Portsmouth is doing well, and people are wearing masks. However, just a few or one person can be the cause of an outbreak. In order to protect the community, we need to do everything we can. That includes a mask ordinance. Part of ordinance defines a permissible face covering. That definition doesn't follow the CDC recommendation and it should. Mr. Torrent agreed that people should be free to walk outside without masks as long as social distancing can be maintained.

Marc Stettner of 91 Fairview Avenue. questioned how law enforcement would know if an individual had a medical condition and they could not wear a mask. There are privacy concerns that have to be addressed. There should be an exception for eating and drinking outside of the business establishments licensed by the City of Portsmouth. Otherwise, someone drinking water on bench could be fined. Outdoor seating sites are not business establishments. There is due process to contest a parking ticket, and there should be a process for this. Fines should not go to the General Fund. They should go to health protection measures or charity. This will be an enforcement nightmare. Police should have full discretion if a ticket or warning is warranted, so they can use their judgement. Millions of people across the country are unemployed and cannot afford fines.

David Muse of 579 Sagamore Avenue. thanked the Council for recognizing that it was better to take action before a surge happened. The Governor has been very active in some areas but passive in mask wearing. In just a few weeks the stakes will get higher because people will be moving indoors. All it takes is one infected person in a public setting to spread the virus. In the absence of an emergency order some communities in NH have passed a mask mandate. It is the elected officials' job to protect the community. Help save lives and businesses. Pass this ordinance quickly and unanimously.

Cindy Hollenback of 6 Elwyn Road. spoke against the ordinance. The time is not right to have a mask ordinance for Portsmouth. Ms. Hollenback cannot wear a mask and has not worn one this whole time. If the pandemic was that strong, she would have already had Covid. If someone is sick, then they should be smart enough to stay home.

Anne Burner of 77 State Street. spoke in favor of the ordinance. Portsmouth is fortunate to have low case numbers. Students are coming back, and people would be moving indoors. We need to remain vigilant. The zonal approach is not the way to go.

Elizabeth Barret of 1 Freedom Circle. spoke in favor of the ordinance. People are relying on COVID test numbers. It is good to have statistics, but some of those numbers are inaccurate. UNH students are coming to town in a couple of weeks. If people can ask her to put on shirt when in public, then people can be asked to wear a mask. Numbers in the U.S. are getting worse. Put the ordinance in place and tweak it after if needed.

Elizabeth Moreau of 81 Langdon Street, supported the ordinance. Like many ordinances that are approved it is not perfect at the start, but it can be adjusted. Residents feel unsafe to go downtown because they fear people are not wearing masks. All it takes is one person to transfer the virus to many. A lot of people from out of state come to visit. The virus is not in control in all states. This ordinance needs to pass.

Justin Richardson of 586 Woodbury Avenue, supported the proposed ordinance. Mr. Richardson is immune compromised. It is better to be on the right side of this issue than the wrong side. Kids are going back to school and the spread could explode any time. The numbers are low because of the actions that have been taken so far. It is time for us all to do our part and do what needs to be done. There is a typo in paragraph B that makes it unclear on how that is supposed to read. People are not wearing masks on walks and others have to walk in the street to socially distance. This ordinance should move forward.

Chris Robillard commented that the Health Department has always been clear about the effectiveness of masks. The CDC is in favor of masks. Nashua has not issued any fines for violation of their ordinance. Everything seems to align with wearing masks. The ordinance sends a good message and sets the tone for what Portsmouth stands for.

Richard (inaudible) commented that the science was clear. Masks prevent transmission. Kim McNamara has not said she does not support wearing masks. She does support it. Portsmouth is just not under an emergency response status. The ordinance should not be limited to the downtown overlay because Covid does not discriminate based on location. Hundreds of communities have passed mask ordinances and they are functioning well. The Governor requiring masks for gatherings of 100 people, or more is ridiculous. The virus does not count. One wedding of less than 100 people in Maine spread the virus to 26 people. This is a global pandemic and City Council should do what's right.

Rick Horowitz of 127 Gates Street, opposed the mask ordinance. New Hampshire does not have a COVID problem. COVID is not easily transmitted outdoors. It is transmitted indoors when people are in close proximity for a long time. COVID will not be eradicated with an ordinance or a vaccine. The curve has been flattened. Extended mask wearing will make people desperate to take barely tested vaccines. They are only testing vaccines on healthy people. There is no justification for requiring masks outside of the downtown. If this moves forward, then the ordinance should not require masks outside of the downtown.

- **ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS**

Assistant Mayor Splaine moved to pass the resolution which opens it up to amendments, seconded by Councilor Lazenby.

City Attorney Sullivan commented that the typo correction mentioned during public comment should be included in the amendments.

Mayor Becksted moved to suspend the rules in order to allow Police Commissioner Tom Hart and Police Chief Robert Merner to speak regarding the proposed Ordinance, seconded by Councilor Huda. On a unanimous roll call vote 9-0, motion passed.

Police Commissioner Tom Hart commented on the concerns that law enforcement would have for this ordinance. There has been a lot of tension with law enforcement for obvious reasons throughout the country. They are working on community and policing relations. Giving tickets for masks will make tensions higher with law enforcement. This is not good timing. Another concern would be resources. This would take officers away from calls to work on this. People are tight on money during this pandemic, so paying any amount of fine is concerning. Police have to be able to articulate suspicion in order to approach a member of the public. Checking someone for a face mask stop could escalate when checking the person's details with dispatch. Commissioner Hart was concerned about an officer asking about a citizen's health or their relationship to someone they are with. They have to be able to legally approach a citizen. The enforcement of this ordinance needs to be outlined in the due process. Everyone has the right to have due process. The front of the police building is closed off to the public to limit contact as much as possible because of COVID. An ordinance like this will increase officer contact with the public. Commissioner Hart's main concerns were safety and due process. Commissioner Hart questioned how far they would go with questioning and dealing with tourists.

Assistant Mayor Splaine commented that he understood the pressures officers would have but questioned how this was working in thousands of other communities who have mandates. There have been very few arrests. The message is more important than enforcement. Commissioner Hart responded that he did not know how other towns were handling this. Right now, there is a good percentage of people wearing masks downtown. People should not be afraid of being arrested in their neighborhood.

Police Chief Robert Merner commented that he has been in communication with police chiefs across the country about COVID. There is a struggle with when and how to enforce COVID restriction requirements. They should be promoting education instead of enforcement. That's how many cities have been looking at it. The education piece will be key for this and needs to come well before citations or fines are implemented. This may increase the amount of calls the police or 911 receive about people not wearing masks. That will impact the department.

Councilor Lazenby agreed they should start with education then move to enforcement and questioned how it was going in similar communities and their police departments. Chief Merner responded that there has not been a ton of enforcement in the surrounding communities. As a City education is key to show what Portsmouth is expecting from members of the public.

Mayor Becksted agreed that education was important. Portsmouth should pay attention to surrounding communities to have more information on that.

Councilor Kennedy questioned how they could support those who could not wear masks and avoid inappropriate enforcement. Councilor Kennedy questioned if a \$100 fine was too high. Commissioner Hart responded that a police officer cannot inquire about someone's health on an approach. Chief Merner noted that in his experience those with legitimate issues are more open about it. They will need to train officers on how to deal with those issues. They will give specific instruction when/if the ordinance passes. They will be guided by the City Attorney.

Mayor Becksted questioned what the cost of enforcement for this would be. Chief Merner responded that if there was an increase in calls reporting people not wearing masks, then that will pull on resources. Adding one officer a day would cost about \$66,000. They would be added if the situation became so cumbersome and an additional resource was required. Four new officers will be coming on the force soon and will be ready to go on the street. The number of resources applied will all depend on the demand and number of complaints. Mayor Becksted questioned if limiting the enforcement area to just the downtown or peak times would make it easier on the police department. Chief Merner responded that they put on an extra officer in the warmer months. There will be a second officer downtown to assist. Selective enforcement would not be easier. The ordinance should be citywide.

Councilor Huda questioned how campus police were enforcing this and how schools were testing students. Chief Merner responded that he would have to follow up with UNH to understand their protocols. Portsmouth does get a lot of the student's downtown. Councilor Huda questioned if there was any CARES Act money that could be used to support this. City Manager Conard responded that it would be premature to say if there were dollars available.

Councilor Tabor agreed with the approach of education first and enforcement second. Councilor Tabor questioned if it would make sense to set up training on that. Chief Merner agreed and confirmed that they would implement that. There would also be PSAs for the public. Councilor Tabor questioned if the police department was running at peak capacity now. If not, then they could handle this enforcement increase within existing resources. Chief Merner responded that they are receiving less calls in some categories, however, the number of crisis calls have increased 40%. Motor vehicle stops are starting to pick up again. The length of time and number of officers required on calls have increased. If the ordinance does pass then it should be in effect through Halloween and not end on October 29, 2020.

Councilor McEachern agreed education was the most important thing, and the police will have discretion in terms of enforcing this. Nashua has not issued any fines. If Council passes the ordinance and there is a fine, that doesn't mean officers will be looking to enforce that. Education is the first step. Chief Merner agreed discretion will be important.

Assistant Mayor Splaine moved to amend Section 3.1102 to use the language suggested in the citizen's task force letter, seconded by Councilor McEachern.

Assistant Mayor Splaine commented that the CDC has made it clear that the masks with valves are often used in construction and do not control the droplets when conversing. The purpose of these faces masks is to prevent droplets. The task force endorsed this ordinance unanimously and the Health Officer is on that committee.

Councilor Kennedy commented that the types of masks are evolving. It would make sense to have the ordinance align with whatever the CDC is recommending. That would allow the ordinance to grow with new information and technology as the CDC makes updates. Assistant Mayor Splaine agreed the motion could be updated. Councilor Lazenby agreed.

City Attorney Sullivan noted that the amendment has gotten to be messy. They should not use the word current in the ordinance because that creates ambiguity.

Councilor Trace commented that they needed to be careful about getting too specific about the types of masks. That could create another complication around the enforcement of the ordinance. Councilor Trace questioned how the City would handle those who smoke or vape.

Councilor McEachern agreed with Councilor Trace about the specific types of masks. Getting too specific would limit changing and new technologies. The most important aspect is education. Councilor McEachern supported keeping the types of masks vague enough to allow flexibility but education to the residents.

Mayor Becksted commented that the language in front of them that described a facemask of cloth covering or other material that covers the nose and mouth was clear enough. Mayor Becksted was in favor of leaving the language how it was. The facemask may be commercially or individually manufactured.

Assistant Mayor Splaine agreed it was better to keep it simple. The face covering pursuant shall be any product covering nose and mouth that is manufactured or personally created. There are a lot of new things coming on the market and this language would cover it.

Councilor Lazenby agreed they should not get overly specific.

Assistant Mayor Splaine moved to amend Section 3.1102 to read as follows: *A required face covering pursuant to this ordinance shall be any product that covers the nose and mouth of the person wearing it. The face covering may be commercially manufactured or personally created, seconded by Councilor McEachern.*

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

Councilor Lazenby moved to amend the fourth Whereas to remove Portsmouth City Council and replace with *US Centers for Disease Control, the NH Bureau of Infectious Disease Control, and the City of Portsmouth Health Officer* replace have determined that the wearing of face coverings during the time of the pandemic is an important means of reducing the spread of COVID-19; and further to amend Section 3.1101 B, to remove the word “be” from the end of the sentence, seconded by Councilor Tabor.

Councilor Lazenby commented that this is to show Council determined this was important based on guidance from the government, CDC, and City Health Officer.

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

Councilor Kennedy questioned what the plan was to educate the public about the ordinance. Councilor Kennedy questioned how they would let tourists know about the ordinance.

Councilor McEachern responded that if the ordinance did pass, then it would be in the papers because it is a newsworthy event. That has a limited shelf life. Hopefully there would be CARES Act money to put up signage saying masks are the law. Similar signs can be seen in Durham. There can be larger signs on the main entry points to the City. Smaller signs can be put in the downtown area to educate tourists.

City Manager Conard commented that the Health Subcommittee and Citizen Task Force at large are ready to start messaging. There will be a public service campaign that will include news outlets. Staff have sent in examples of signage that has worked in other communities. They have spent \$45,000 of the CARES Act money so far. There would be money that could go toward messaging. They will be ready to go when the message is clear.

Councilor Kennedy commented that she was concerned that the fine would cost \$100. There is no due process written in the ordinance. Councilor Kennedy questioned how someone could appeal a ticket.

City Attorney Sullivan responded that the ordinance ties into an existing enforcement mechanism. That allows for writing a civil citation for \$25. Non-payment leads to increased fines. Due process would be available to people who felt they were not in violation. The first instance would be with the person enforcing the ordinance. The citizen could point out circumstance. Another level would be for a person in city government who could review citations and determine whether or not the citation was appropriately issued. Thirdly, this would go to court only after the citation is not paid.

Assistant Mayor Splaine commented that it is covered in the ordinance. The main effort is education first. It should have some kind of fine, but it does not need to be excessive. The message is that there would be a fine and it would be enforced. Education will come first and enforcement will come second. This can be put in place without being overbearing.

Councilor Kennedy moved that the following phrase be added to the end of Section 3.1104 Penalty, *except that under no circumstances shall the penalty for a violation of this ordinance exceed \$25.00*, seconded by Assistant Mayor Splaine.

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

Councilor Lazenby moved to amend Section 3.1101 B. adding after the word people *“that are not members of the same household.”*, seconded by Assistant Mayor Splaine.

Councilor Lazenby commented that this was a simple enough clarification to show the intent is to include people who are quarantined together.

Councilor Kennedy agreed and questioned if they should use the term bubble. Families are working together to help educate each other's children on remote days. Some are moving in together for various reasons. The term should be inclusive enough to support those who have networks to keep mental health and social interaction positive.

Councilor Tabor commented that it would be difficult to define that in the ordinance. It is simpler to stick with the motion on the table.

Councilor Trace agreed with Councilor Tabor. The word household does not imply a single-family unit. It can be used loosely.

Councilor Huda questioned if this wording would infringe on people's rights and questioned how people would prove they were part of the same household. It is unclear how the police would enforce this.

Assistant Mayor Splaine commented that the most important part of this ordinance was the messaging and education.

Councilor McEachern commented that they have a good police force that will be able to interpret this. The police having discretion is important.

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

Councilor Whelan commented that Section 3.1103 talks about eating or drinking in establishments that are licensed by the City of Portsmouth. Councilor Whelan questioned if there should be an exception that addressed people eating and drinking in outdoor public spaces.

City Attorney Sullivan commented that the ordinance specifically calls out establishments licensed by the City of Portsmouth because those are the places regulated for social distancing. There does not need to be an exception for eating and drinking outdoors. It can just be assumed. People will need to be 6 feet apart.

Councilor Trace questioned if they needed to clarify those eating and drinking outside would need to be seated and not on the move. City Attorney Sullivan commented that people could do either as long as they maintained a distance of just 6 feet.

Councilor Kennedy commented that she has received feedback from residents who are concerned about losing their freedoms. That was why she suggested applying the ordinance to just the downtown area. Then individuals can choose if they want to be downtown with masks on or walk in their neighborhood without one. There was also a lot of concern from those who have health issues. They are worried that they are going to be managed and treated poorly. It is not defined in the ordinance. Also, right now the guidance for schools is 3 feet social distancing, not 6 feet. The Council should mitigate the public's fears about getting arrested while out on a walk.

Councilor McEachern commented that he came into this evening pretty open to either idea. One of the public commenters noted that it was not necessary to limit this to the downtown because the ordinance was written for times when people can't distance up to 6 feet. Police Chief Merner also said it was easier to apply the ordinance everywhere. This is an effort to educate the public and use the law to make it clear. Police won't be looking to hand out tickets to people who are just walking around the neighborhood.

Councilor Trace agreed with Councilor McEachern. If someone is out walking their dog and no one is near them, then they don't have to wear a mask. This ordinance is about Portsmouth coming together as a community. This is about educating visitors so Portsmouth can remain healthy. The fears are understandable. However, this is a simple ordinance with a good police force.

Councilor Kennedy questioned what the citizen recourse would be to a police officer who is very black and white on enforcement. City Attorney Sullivan responded that civilian citation enforcement was ultimately under the control of the City's Legal Department. The citizen could bring it to him and if it is determined that it was improperly issued, then the citation can be withdrawn.

Assistant Mayor Splaine to amend Section 3.1101 to combine Items A. & B. to create Item A. to read as follows: *In indoor or outdoor places which are accessible to the public, in which a physical distancing of six feet (6') between people who are not members of the same household is not maintained.*", seconded by Councilor Kennedy.

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

Councilor Lazenby commented that the ordinance does not currently have an end date. Councilor Lazenby questioned if they did not have an end date if that meant Council could bring it up to modify it. City Attorney Sullivan confirmed that was correct. As the Council feels things are winding down, they can bring it back up with an end date. Mayor Becksted questioned if that would take three readings. City Attorney Sullivan confirmed that was correct. Mayor Becksted commented that it would be better to have an end date and then modify it if needed. City Attorney Sullivan noted that modification would also need three readings.

Councilor Kennedy commented that there should be an end date to give people confidence in this. It should go through Halloween.

Councilor Kennedy moved to add an end date of November 1, 2020, seconded by Councilor Huda.

Councilor Lazenby commented that the end date should go through the election. *Councilor Kennedy accepted the amendment to go to November 6, 2020. Councilor Huda also accepted the amendment.*

Councilor McEachern commented that he was not in favor of an end date if took the same amount of time to extend the end date as it would to repeal this. People will be moving indoors, and this will end during the middle of flu season.

Councilor Tabor questioned if it would be better to end the ordinance when the Governor's emergency order ended.

Assistant Mayor Splaine commented that he was concerned about automatically ending the ordinance based on what the Governor did. The Governor is under a lot of pressure to end the restrictions. This ordinance should be independent of the Governors actions.

Councilor Kennedy commented that it was important to give people an end date even if Council needs to relook at it in the future.

Councilor Lazenby commented that an end date of November 6, 2020 was better than following the Governor order because he currently reconsiders the order every 21 days and decides whether to renew it or not. Mayor Becksted noted that whether the set an end date or not they will have to go through 3 readings to modify it either way. Most of the other communities have created a mandate under a medical emergency. Council is creating an ordinance based on opinion; it is not emergency based.

Councilor McEachern commented that he would support the November 6, 2020, end date in order to move this forward unanimously. If there is need to extend the date Council should move to do that quickly. Councilor McEachern agreed with Councilor Kennedy that it is important to give the feeling that there's a time past this.

Councilor Huda supported the November 6, 2020, end date. Council can look at the data at that point in time and decide how to proceed. The resolution will still be active as well.

Councilor Kennedy moved that the provision entitled Effective Date read as follows *this ordinance shall take effect on (to be determined) and shall terminate on November 6, 2020,* seconded by Councilor Huda.

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

Mayor Becksted commented that there was still a 50/50 split on masks. This is not based specifically on science and numbers. The Health Department has always been supportive of masks, but the justification may not be there. This mandate is based on opinion. The average police officer will not be able to identify 6 feet. Mayor Becksted had concerns about their interpretation. The minute this law is created it will be challenged because it is not at a state level. The cost and enforcement will be a challenge. Council should worry about expenditures because it is unclear what the future holds. They need to be conscious about spending. Mayor Becksted commented that he would support moving this to a final reading. The community should be able to weigh in again. There are people on vacation who may not have been able to speak tonight. Council should give the community time to look at the amendments and weigh in one more time. Mayor Becksted questioned if any of the amendments were considered a significant change, such that the Council could not move this forward. City Attorney Sullivan did not think so. The amendments were modest enough. In the end it is Council's decision. Mayor Becksted questioned how this would impact PDA, and if this would be enforced there. City Attorney Sullivan responded that PDA was outside the jurisdiction of the City for this matter. Mayor Becksted commented that this whole conversation started with a debate about an event that was located outside the City's jurisdiction.

Assistant Mayor Splaine commented that they were talking about the requirements for a face covering mandate before what happened at PDA. It has been a long process to get here. It began with a sign that evolved into a resolution which is now evolving into an ordinance. The purpose of the entire discussion is to send a message that we are concerned about one another. People wear a mask for others. Negative comments will continue and that is fine because this is a democracy. The intent is to inform and educate the public.

Councilor McEachern agreed they should have a full third reading on August 31, 2020. Giving due process is important. This should be in place before students come back to UNH. The community needs to come together to protect one another. The goal of this ordinance is to protect citizens.

City Attorney Sullivan commented that the Council needed to set an effective date.

Assistant Mayor Splaine moved to amend the effective date that this ordinance shall take effect on final passage, seconded by Councilor McEachern.

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

Councilor McEachern moved to pass second reading and hold third and final reading at the August 31, 2020 City Council meeting, seconded by Councilor Tabor.

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

~~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)~~

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

~~(Sample motion – move to pass second reading and hold third and final reading at the August 31, 2020 City Council meeting)~~

~~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~~~~
- ~~2. *Appointment to be Voted:

 - ~~Reappointment of Erica Wygonik to the Parking & Traffic Safety Committee as an Alternate~~~~

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

- ~~1. That Mill Pond Way be named for former Portsmouth Assistant Mayor Paul McEachern
(Sample motion – move that the Portsmouth City Manager meet with Jon Wyckoff, who acting on behalf of the Advocates for the North Mill Pond, and the Creek Neighborhood Committee will formalize the naming of the “Paul McEachern Park”)~~
- ~~2. Request First Reading of an Ordinance Requiring That Face Coverings Be Worn At Specific Times In The City of Portsmouth (See Ordinance Attached)~~
- ~~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)~~
- ~~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 commented that he was originally offering to not bring this up for reconsideration. The original intent was to revisit the Thornton Street application, but this one did not need to be considered.

Assistant Mayor Splaine moved to suspend the rules in order to continue the meeting beyond 10:30 p.m., seconded by Councilor Lazenby.

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

Mayor Becksted commented that he would like to debate the process at the next meeting.

Councilor McEachern moved to table this matter to the August 31, 2020 City Council meeting, seconded by Councilor Lazenby.

Councilor Huda questioned if the Assessor would prepare a report on this prior to that meeting. Councilor McEachern responded that the Assessor already made a statement and recommended that Council move forward and unmerge the lots. Council wants to create a process, and this is a good opportunity to do that. However, Council can unmerge the lots now and debate the process in the future as well.

Mayor Becksted commented that the process was changed in April of this year based on the Planning Department's recommendation. Council should have a further discussion on the process.

Councilor McEachern agreed that it would be good to talk about the process and get good input around that. However, these lots could be unmerged tonight, and the process could be discussed later. Council should not pick and choose applications based on the process Council agreed to. Councilor Huda did not recall discussing this application. Mayor Becksted commented that they could discuss this application and the process at the next meeting.

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

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~~

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 packet had a summary of actions taken at the July Parking Traffic and Safety (PTS) meeting. The purpose of the summary is to outline key points from the meeting and actions taken on the ordinance to the Council. This separate memo will clearly identify the actions of PTS. The minutes are also included. They are not deviating from approving the minutes. The ordinance says minutes approved by PTS are sent via email and can be accepted at the next City Council meeting. When Council accepts the minutes, any changes are implemented on a one-year temporary basis. At the end of the year Council can vote to permanently implement the change under the omnibus. Council has the minutes and action sheet to review, but are voting on the minutes from the July PTS meeting.

Councilor Whelan moved to accept the minutes of the July 9, 2020 Parking and Traffic Safety Committee meeting, seconded by Councilor Lazenby.

City Manager Conard commented that the last time this was before the Council the minutes were in draft form, but now they are final.

Councilor Kennedy commented that they reviewed this at the last meeting, and she still had some concerns about some of the items on the minutes. Councilor Kennedy was under the impression that this was postponed to the August 31, 2020, City Council Meeting.

Councilor Whelan pointed out that there was a motion on the floor for tonight.

Mayor Becksted also thought this was postponed to the August 31, 2020, meeting. City Clerk Barnaby commented that according to the action sheet this was postponed to the August 18, 2020, meeting. Assistant City Attorney Jane Ferrini commented that the action sheet for the July meeting was put forward for the sole purpose of showing changes for the Stay and Pay Program. The minutes and action sheet are now final. The action sheet doesn't suffice as minutes moving forward. The final minutes are before Council at this meeting.

Councilor Kennedy commented that she would not vote for this because she was concerned about putting timed parking spots in on Mechanic Street, Hancock Street, and Washington Street neighborhoods. They don't exist there today. If someone wants to add spots there it should go through the appropriate process.

Assistant City Attorney Ferrini commented that she did not see a reference to parking on those streets on the July action sheet. Councilor Kennedy commented that it was on the omnibus that was brought forward. Assistant City Attorney Ferrini commented that this had nothing to do with the omnibus. This was separate.

Councilor Whelan commented that there was nothing about adding parking on those streets Councilor Kennedy mentioned in the minutes. PTS went through it with a fine-tooth comb and took residents' input.

Councilor Tabor commented that voting on the minutes made sense. A lot of changes run through PTS, and they can't wait for the long process of passing through Council. This process of approving minutes allows for temporary changes to go in immediately. It gives the City a chance to try them out. There is value in voting on the minutes.

Councilor McEachern commented that he would support the minutes. It is not possible for all the Council to sit on PTS. They have Councilor Whelan who does. It is admirable this Council wants to be involved and give transparency to so many parts. However, they need to delegate when necessary to allow the City to move forward. PTS and Councilor Whelan are doing a good job.

Mayor Becksted commented that he would not support the minutes. There is way too much confusion when it comes to PTS. PTS needs an overhaul. They meet too early in the day and there are too many staff members on it. The changes don't impact them. This council should look at PTS with the help of staff. They should overhaul the meeting time and membership of the PTS Committee.

Assistant Mayor Splaine agreed with Mayor Becksted about the process and noted he would support an effort to overhaul the PTS Committee. Assistant Mayor Splaine commented that he would not vote in favor for the minutes.

Councilor Huda agreed with Mayor Becksted and noted that she would not be voting for the minutes.

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

D. COUNCILOR LAZENBY

1. ~~*Permitting Fee Relief for Businesses and Outdoor Use~~
2. ~~*Request for explanation of Ethics Complaint process and update on current status~~

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 the safety of 2,000 feet of the bike lane.

Councilor Huda commented that she sent out a fact sheet. This came about because of the accident that happened recently. All of the research was based on the Planning Department's web site and the letter received from professional transportation engineer Hannah G. at the March 12, 2020, meeting. The data collected shows that this is a winding corridor with limited sight lines and variable width. It is confusing and dangerous for all modes of transportation. This is a principal arterial road with cars traveling at 30-35 mph. The road sees an average of 11,000 vehicles per day. Councilor Huda questioned why this road was selected in the first place because it is an arterial road. They need to look at a design that complies with standards for a winding arterial road. This road is not friendly for pedestrian crossing. Most of the bike lane standards have been met but the public does not feel comfortable with the tight lanes. It is confusing. This is not consistent with the design of the rest of the bike lane in Portsmouth. The goal of the project was to create safe routes to school. There has not been an increase in cyclists using this roadway. There has been a net decrease after the bike lane was put into place. Before there were an average of 59.7 cyclists per day and now there is 45. The bike lane has deep seated drains, trash in the path, and an increase in contact points in the bike lane. It is common practice for anyone exiting a vehicle to look at the main flow of traffic not multiple points. For cyclists it is easier to stop at every cross street or be in the road with the flow of traffic. Councilor Huda questioned how many of these safety issues could be eliminated by putting the cars back to the curb.

Councilor Kennedy moved to temporarily move parking back to the curb and work to ensure the bike lanes are safe, seconded by Councilor Huda.

Councilor McEachern commented that it was his understanding that the current design was approved by NHDOT. City Manager Conard confirmed that was correct. Councilor McEachern agreed they should make the bike lane safer. Councilor McEachern questioned if the bollards that kept cars from encroaching on the lane while parking were removed in that area. Mayor Becksted confirmed there was a reduction in bollards for many reasons. Councilor McEachern commented that lower profile bollards would prevent cars from encroaching. The car involved in the accident was illegally parked and opened their door into bike traffic. Council should limit any conversation to that specific incident and not make further efforts to take broader generalizations.

Councilor Kennedy commented that she reached out to NHDOT and was told if there were safety concerns then she needed to bring it back to the City.

Councilor Tabor commented that he could not vote for the motion on the floor. If a cyclist is on the driver side and they open the door, then the cyclist would be pushed into traffic. It may be possible to create enough buffer to prevent that, but Council doesn't know that tonight. Councilor Tabor did not want to vote for something that could be just as or more dangerous. They should look at a long-term solution. Councilor Tabor reached out to the design alliance and asked for their participation. They have agreed to look at how to make Middle Street a good design for cyclists, pedestrians and vehicles. They can employ a task force that contains residents in the neighborhood, the design alliance, and cyclist groups. Middle St. is an iconic arterial street in Portsmouth. It is easy to say let's get rid of the bike lane, but Middle Street is the backbone of bike pedestrian master plan. It links the schools to the other side of town. They should come up with long term solution.

Councilor Huda commented that so far, they have not found a balance between cyclists, vehicles and parking. Safety should be in the forefront. There have been a lot of issues with this and now there has been an accident. Councilor Huda commented that she would support the motion to stop anyone else from getting hurt.

Councilor Trace commented that Councilor Tabor should have included PTS in his efforts and questioned why they would go back to the design group who was responsible for the original problematic design. Putting cars back to the curb is an emergency measure. Nobody wants another accident.

Councilor Tabor commented that he did include the Mayor and City Manager in advance. The intent of the meeting with the design alliance to see if they wanted to engage on this project. Councilor Tabor has also talked with Councilor Whelan on this effort.

Councilor McEachern commented that they should recognize the accident was caused by an illegally parked car. They were able to park there because there were no bollards preventing that. The motion calls for safety, but Council does not know that moving cars back to the curb would increase safety. Councilor McEachern commented that he could not vote for something in the name of safety without knowing it is in fact safer. This accident was a specific incident. Councilor McEachern agreed with Councilor Tabor's approach. They need to do a lot more work on the bike lanes. It may make sense to move the bike lane up a block or move where the cars are parked. They should try to solve the problem presented with the accident. PTS should look at this, but Council does not seem to trust PTS as indicated by the discussion to revamp that committee.

Councilor Lazenby commented that safety was a major concern for everyone. Moving the cars to the curb was less safe in Durham in 2014. A cyclist was doored on the driver side and died. A driver side dooring will shove a bike into traffic. The man who was doored on Middle Street did not get thrown into traffic and declined medical treatment. Making the current motion in the name of safety is the wrong move. Councilor Lazenby appreciated that they want to tackle this issue but was disappointed in the process to get there. It was not clear this was a motion happening tonight. The material was sent late and no one from the public had an opportunity to review it. There was no input from public safety professionals or cyclist groups. This should be sent to PTS to review, and they should look for a long-term solution.

Councilor Lazenby moved to refer to the PTS for a report back, seconded by Councilor McEachern.

Assistant Mayor Splaine commented that the bike lanes would be clearer if they were all painted the same color. Signage should also be added. Assistant Mayor Splaine commented that he was tempted to vote in favor of Councilor Kennedy's motion however the information for this came out of nowhere for tonight's discussion. Assistant Mayor Splaine commented that he would support Councilor Lazenby's motion to send this to PTS.

Councilor Tabor questioned if their funding would be threatened if they made a change to improve the bike lane safety. City Manager Conard responded that they would need NHDOT approval to make substantial modifications to the bike lanes. If they make changes without NHDOT's advance approval, then they would be required to return the funding. They can do an engineering study to find out what modifications can be made in attempt to communicate to NHDOT. City Manager Conard commented that she just looked at this tonight and would like to give PTS the opportunity to report back.

Councilor Whelan commented that discussion about this accident was on the September agenda for PTS. They have received several letters written by Middle Street residents about how hard it is for people to parallel park in the street with no frame of reference. Council should wait until they have a report back from Staff at the August 31, 2020, meeting to take action.

Mayor Becksted did not know if he would support delaying action until August 31, 2020. This section of road is a death trap waiting to happen. There are drains and garbage in the bike lane. This 1,600 feet of bike lane should be modified under an emergency mandate. Cyclists expect a driver side door to open but not a passenger door. Mayor Becksted commented that he would support Councilor Kennedy's motion to take action on this.

Councilor McEachern commented that the materials for this was emailed to Council today at 5 p.m. There has been no staff input, and it's being presented at a special meeting. There are consequences to that type of action. Council should not take action on this tonight. That part of the bike lane does need changes. Cyclists do have the right to be in traffic. Bike lanes help protect people who are not as skilled. It would be good to see a report back on starting the bike lane one block ahead and potentially moving cars to park on the curb.

Councilor Lazenby commented that it would be useful for the community and Council to hear a report back. Council should be upfront and transparent on the work they are doing. The materials are not just for Council. The public should have time to review the materials as well.

Councilor Kennedy commented that it would be temporary so Council could take action tonight and discuss it at future meetings. All of the information they presented was available to the public online.

Councilor Lazenby commented that the spreadsheet from Councilor Huda was not a public document, and the motion was not available until the meeting. The motion should have been in the packet.

Councilor Huda clarified that the spreadsheet was a summary of information that could be found on the Planning Department's site.

Councilor Lazenby moved to request a report back from City Staff at the August 31, 2020 City Council meeting, seconded by Councilor McEachern.

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

F. COUNCILOR HUDA

1. Update on CARES Act Fund Allotment (*Sample motion – move to request the City Manager provide to the Residents & City Council an update on CARES Act Fund Allotment to Include: Total Allotment - \$523,000.00, Total Amounts Submitted/Received for Reimbursement and Remaining Balance at August 1st*)

Councilor Huda moved to request the City Manager provide to the Residents & City Council an update on CARES Act Fund Allotment to Include: Total Allotment - \$523,000.00, Total Amounts Submitted/Received for Reimbursement and Remaining Balance at August 1st, seconded by Councilor Kennedy.

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

G. COUNCILOR TRACE

1. ~~Paul McEachern Park (*Sample motion – move to name a certain City owned parcel of land (143-8) located on Mill Pond Way on the North Mill Pond, the Paul McEachern Park*)~~

XIV. APPROVAL OF GRANTS/DONATIONS

(There are no Grants or Donations on this Agenda)

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

Mayor Becksted commented that they took care of items 2 and 6 at the last meeting. Mayor Becksted questioned if Council agreed to vote on the rest of the items under a consent agenda.

Councilor Lazenby commented that they should vote on item 1 separately.

Councilor Trace requested to vote on item 3 separately.

Councilor Tabor commented that he would have to abstain from voting on item 3.

Councilor Kennedy requested to vote on item 4 separately.

Councilor Lazenby moved to adopt the Consent Agenda Items, seconded by Councilor Whelan.

- **Sale of Surplus E-One Fire Truck (*Anticipated action – move to approve the disposal of the surplus E-One Fire truck through the GovDeals online auction website*)**

- **Parking and Traffic Safety Committee Ordinance Schedule (*Anticipated action – move to approve the proposed first reading schedule as presented*)**

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

1. Fire Department Memorandum of Understanding regarding Health and Wellness

Fire Chief Todd Germain spoke to the health and wellness program proposal that would be included in the collective bargaining agreement for the union. It would be a 2-year trial and management or labor could opt out with a 30 day written notice. The body of the program includes an annual physical exam. It is becoming increasingly important for fire fighters to get to the doctors once a year. The results of those exams would be between the doctor and patient. They would just get a document indicating they had that physical exam. The on duty fit program would allow fire fighters time to engage in physical fitness activities. That member is welcome to engage in what they feel is appropriate for their fitness level. There will be prescribed time to include that. If they are having a busy day of calls or incorporate fit time in group training, then that time can be waived for the day as well. There will be periodic physical fitness and wellness education. There will also be quarterly physical skills training that will be specific to fire fighter skills. This will allow Chief Germain to point to physical evidence that the fire fighters are up to date on their skills. The team will also move to a 24-hour shift schedule. Over 70% of fire stations use some kind of 24-hour shift schedule. Every department in NH except for Portsmouth already does.

City Manager Conard commented that they will check in at the 6 month and year mark to look at how these working conditions are impacting leave time and over time etc. The fire department has been in the 24-hour shift mode since the middle of June.

Councilor Trace commented that she would support this, and it would be good to see the report back from the 6 month and yearly check in. A healthier fire department is a better fire department.

Councilor Huda questioned if Council was the final sign off for this. City Manager Conard responded that Council would vote to ratify the Memorandum of Understanding as approved by the Fire Commission.

Councilor Kennedy moved to ratify the Memorandum of Understanding with a one-year review on the implications of financial impacts, seconded by Councilor Huda.

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

~~2. Establish Polling Hours for the State Primary Election~~

3. Request to Waive Prescott Park Arts Festival Annual Consideration Fee

City Manager Conard commented that they have received a request from Prescott Park Arts Festival to waive their fee due to the pandemic. They have canceled their 2020 season. There is a clause within their license with the City that the City Manager is allowed to negotiate a lower fee in extraordinary events. The City runs on a fiscal year calendar and the Prescott Park Arts Festival runs on a regular calendar, so reconciling that is a little confusing.

Councilor Lazenby moved to waive the fee, seconded by Councilor McEachern.

Councilor Kennedy questioned if they were setting precedent by doing this and questioned if other organizations had paid their contributions.

Councilor Huda requested clarification on the different fiscal years. City Manager Conard responded that Prescott Park Arts Festival made one in payment in July of 2019 and one in September of 2019. Those were the most recent payments. This request is to waive the fee for 2020.

City Manager Conard commented that she was not familiar with all of the groups that have a license agreement and what the magnitude of that was. City Attorney Sullivan noted that Council would not be setting a precedent in a legal sense.

Mayor Becksted commented that the other request was to waive the Gundalow's Company remaining balance. City Manager Conard confirmed that was correct. They paid half of their amount in July 2020.

Mayor Becksted questioned if Prescott Park Arts Festival had plans to do anything this year. Councilor Tabor responded that they did not have any plans at this moment.

Councilor Kennedy questioned if all of the other groups had already paid. City Manager Conard did not know. Councilor Kennedy was concerned about setting a precedent for other groups. A lot of those groups have not able to operate normally.

Councilor Kennedy moved to postpone to receive further information on other organizations to ensure we are treating all non-profits fairly, seconded by Councilor Huda.

Councilor Lazenby commented that it was not a bad precedent to set. This is an extraordinary circumstance.

Councilor McEachern commented that they should vote to waive the fee for Prescott Park Arts Festival tonight and hear back about the other groups at the next meeting. Councilor Lazenby agreed they should not postpone this item. They should get a report back at the next meeting about the other groups.

On a roll call vote 5-3, motion passed Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted in favor. Assistant Mayor Splaine, Councilors McEachern and Lazenby voted opposed. Councilor Tabor abstained from voting on this matter.

4. Request to Waive Gundalow Company Annual Consideration Fee

Councilor Kennedy moved postpone for a report back at the August 31, 2020 City Council meeting on all organizations with which we have agreements, regarding their current payment status, seconded by Councilor Huda.

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

5. Sale of Surplus E-One Fire Truck

~~6. Temporary Construction License for 111 Maplewood Avenue~~

7. Parking and Traffic Safety Committee Ordinance Schedule

XVI. CONSENT AGENDA

- A. 444 Pleasant Street/Portsmouth Housing Authority Sidewalk Easement

Councilor Lazenby moved to adopt the Consent Agenda, seconded by Councilor Trace.

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~~
- ~~B. Update on the Portsmouth Citizens Response Task Force~~
- ~~C. *Presentation regarding Census Reporting Richard Perrin, US Census Bureau~~
- D. Email Correspondence (*Sample motion – move to accept and place on file*)

Councilor McEachern moved to accept and place on file, seconded by Councilor Trace.

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

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Report Back from Sewer and Water on Large Rain Events and Combined Sewer Overflows as Requested at the July 13, 2020 City Council meeting

Councilor Trace moved to request a report back on this matter at the August 31, 2020 City Council meeting, seconded by Councilor Kennedy.

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

2. Report Back on Services Provided by former City Manager John Bohenko Over the 6-Month Period Ending June 30, 2020 as Requested at the July 13, 2020 City Council meeting
3. Prescott Park Implementation Committee Public Process
4. Proposed Ordinance regarding Face Coverings During the COVID-19 Pandemic

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XX. ADJOURNMENT

Councilor Kennedy moved to adjourn at 12:25 a.m., seconded by Councilor Huda.

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

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

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, SEPTEMBER 14, 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**

Mayor Becksted asked for everyone to join in a moment of silent prayer in memory of Bruce Leary and Rus Wilson who recently passed away.

VI. **PLEDGE OF ALLEGIANCE**

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

VII. **ACCEPTANCE OF MINUTES**

(There are no minutes on for acceptance this evening)

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

Matthew Glenn spoke regarding Middle Street Bike Lanes and felt the City's report was very informative. He addressed the parking spaces along the bike lanes and said he does not mind the cars parking away from the curb. He stated he would be happy with any of the 3 suggested alternates from staff.

Annie Poubeau spoke regarding the Middle Street Bike Lanes and said decisions need to be made on facts and not emotions. She said Middle Street is not perfect, but could be improved to serve the area for those that rely on this mode of transportation. She also said she supports Councilor Tabor's motion to create a task force.

Brian Wazlaw spoke about the successful elections that were held for the State Primary Election. He addressed the set up used and how safety of residents was the main concern. He said Election Moderators need assistance from the Council to require that masks be worn in all public buildings. He spoke to the separate area for non-mask wearers to vote, which is a requirement.

Robin Rousseau spoke regarding the Middle Street Bike Lanes and said it is a scary road and referred to it as “death row.” She said there is no study that shows wearing masks prevent the spread of COVID.

Wendy Boutsianis said there are many reasons for a Mask Ordinance. She said it is wise and is a temporary measure.

Nicholas Kirsch spoke in support of the current bike lanes and the need to protect bicyclist and pedestrians. He also addressed wearing masks and said it is necessary to stop the spread of the virus.

Andrew Bagley spoke in support of the Mask Ordinance and wearing masks makes it safer. He spoke in support of the bike lanes and said they’re safer.

Bernie Pelech spoke on the request to unmerge lots at 1240 Islington Street. He said that this matter has been referred to the Assessor to provide a report back but the City wants the request to be reviewed by the Planning Department. He stated the law is clear and the burden is on the City to prove the lots were formerly merged. He said there is no evidence of a voluntary merger. He requested the City Council unmerge the lots.

Judy Miller urged the City Council to pass a mask mandate. She said we are a City that attracts many visitors and we should all be wearing masks. She said we need to protect the residents.

Josh Denton urged the City Council to come to Pop Up NH and spoke to the amount of funds Pop Up has brought into the City. He also asked the City to support the Mask Ordinance.

CJ Fleck spoke to the bike lanes and said he doesn’t understand why you would throw the grant funds away.

Barbara Grazier said she has lived with the bike lanes over the last year and stated that all parking should be removed from Middle Street.

Elizabeth Barrett asked for the Mask Ordinance to be passed and spoke to the number of deaths caused by COVID. She also spoke in favor of the Middle Street Bike Lanes and stated the street is safer with the lanes in place.

Jane Zill spoke in support of the Mask Ordinance and asked to move forward with its adoption this evening. She spoke to COVID and chronic health conditions. She also spoke to having a delegation to create a partnership to have outdoor markets at Pease. In addition, she said that she does not believe you could vote on the Sagamore Avenue sewer extension this evening.

David Meuse urged the City Council to adopt the Mask Ordinance. He spoke to the number of COVID cases increasing.

Michael Rodriguez Torrant – spoke on Middle Street Bike Lanes and the three studies conducted on the lanes.

Arthur Carakatsane spoke regarding the Mask Ordinance and said we are an outbreak waiting to happen.

Gerald Ward urged the City Council to support the Mask Ordinance and said it is important to have it in place before the next election.

Clare Kittredge spoke in support of the Mask Ordinance and said the European countries are ahead of the United States with wearing masks.

Charles Griffin spoke in support of the City Clerk and the work she does producing the minutes. He said decisions need to be made based on the evidence and not a task force.

Joan Jacobs said she worked for 30 years in public health and COVID cases are increasing and we are headed toward an outbreak. She said the pandemic is ongoing and not going anywhere. She urged the City Council to support the Mask Ordinance and be considerate of residents and public health.

Hannah Giovannucci spoke regarding the Middle Street Bike Lanes and said decisions need to be made on facts and not emotions. She stated we need to listen to the community and every bike lane needs to be an experiment.

Marylou McElwain said she serves on Parking and Traffic Safety Committee and supported the Middle Street Bike Lanes. She said the bike lanes should not be moved back to the curb because it poses a higher risk when someone parks against the curb. She said she would like to see improved sight lanes and the lanes should be cleaned more often.

Robin Vogt spoke to the passing of the Mask Ordinance and said it is human decency to have the regulation in effect.

Jon Gore spoke to the Mask Ordinance and said there is no measure out there to have a mandate. He said it is dangerous to put this in place.

Jonathan Gallup, Winchester, NH said the City should not over reach on the Mask Ordinance. He said it is a temporary measure and are being told to wear masks. He said forcing people to wear them is wrong and there is science against masks.

Valerie Rochon, Chamber of Commerce, said the Chamber has supported the Mask Ordinance. She said masks are needed because people are putting others at risk by not wearing them. She stated it is about the economy and we can show leadership by passing the ordinance.

Frank Staples, Manchester, NH spoke against the Mask Ordinance and said people were not wearing masks at the worst of the pandemic.

MaryAnn Pumilia, Laconia, NH spoke against the mask mandate. She stated if the ordinance is enacted she will not come to the City and you will lose money for your economy. She said there is no proof other people wearing masks protect others.

Tristan Law spoke regarding the Middle Street Bike Lanes. He spoke in favor of wearing masks, keeping the bike lanes and outside dining.

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

- A. First Reading of Ordinance amending Chapter 7, Article III, Section 7.326 – Limited Parking – 15 Minutes

Councilor Lazenby moved to pass first reading of Chapter 7, Article III, Section 7.326 – Limited Parking – Fifteen Minutes, and to schedule a public hearing and second reading at the October 5, 2020 City Council meeting. Seconded by Councilor Whelan.

Councilor Lazenby said that these are actions moved forward by the Parking and Traffic Safety Committee and urged the City Council to move through these ordinances swiftly.

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

- B. First Reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking

Councilor Lazenby moved to pass first reading of Chapter 7, Article III, Section 7.330 – No Parking and to schedule a public hearing and second reading at the October 5, 2020 City Council meeting. Seconded by Councilor McEachern.

Councilor Lazenby said that this issue was reviewed by the Parking and Traffic Safety Committee in June, 2019. He said the actions were supported in 2019 by the City Council.

Councilor Kennedy said she is questions taking away parking. She said parking is hard to find in the City.

Parking and Traffic Engineer Eby said this is being requested due to limited sight lines for traffic to turn out of Aldrich Road onto Middle Street.

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

- C. First Reading of Ordinance amending Chapter 7, Article VI, Section 7.601 – Limited Hours Loading Zones

Councilor Lazenby moved to pass first reading of Chapter 7, Article VI, Section 7.601- Limited Hours Loading Zone, and to schedule a public hearing and second reading at the October 5, 2020 City Council meeting. Seconded by Councilor Kennedy.

Councilor Kennedy questioned the times of the loading zones.

Engineer Eby said the loading zone would be in the morning for 111 Maplewood Avenue.

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

Councilor Kennedy moved to suspend the rules in order to bring forward Item XVII B. & A. – Update on the Portsmouth Citizens Response Task Force and Presentation by Health Officer Kim McNamara regarding COVID-19 Update. Seconded by Councilor Huda.

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

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

B. Update on the Portsmouth Citizens Response Task Force

Mr. Peterson spoke to the Mask Ordinance and advised the City Council that the Task Force is in favor of the ordinance. He also requested that the Pop Up venue be extended from October 18, 2020 until October 31, 2020.

Assistant Mayor Splaine said he supports extending the Pop Up to October 31st. He said we need to find ways to make the City more vibrant during the winter months and continue the use of outdoor seating.

Mr. Peterson said we are in the brain storming phase on this matter. He stated they're looking at winter months and how that could be done.

Councilor Lazenby asked Mr. Peterson what work could be done in the winter months. Mr. Peterson said they understand they are authorized through the end of the year and that they're open to the City Council's decision on the life of the Task Force.

Assistant Mayor Splaine moved to extend the outdoor realm from October 18th to October 31st. No second received and Assistant Mayor Splaine withdrew his motion.

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

Health Officer McNamara spoke regarding the number of current cases and outlined the symptoms. She reported the curve is beginning to flatten due to low activity levels by individuals.

Assistant Mayor Splaine thanked Health Officer McNamara for her clear and detailed presentation. He said everyone inside of a building should wear a face covering. If they are alone they do not need to wear a mask.

Councilor Huda asked if students coming back to UNH would have an effect on the City. Health Officer McNamara said we would need to wait and see. She reported that numbers in NH are all over the place currently.

Councilor Lazenby thanked Health Officer McNamara for her work and for being ahead of where we are going.

Discussion followed regarding numbers for Rockingham County and Portsmouth.

- D. Third and Final Reading of Ordinance amending Chapter 3 – Public Health, Article XI – Face Coverings during the COVID-19 Pandemic, Section 3.1101 – Face Coverings Required

Assistant Mayor Splaine moved to pass third and final reading. Seconded by Councilor McEachern.

City Attorney Sullivan said that there is no effective date within the Ordinance and to add a date would require a suspension of the rules.

Assistant Mayor Splaine moved to suspend the rules to allow for an effective date and a termination date to the ordinance. Seconded by Councilor Lazenby.

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

Assistant Mayor Splaine moved to amend the Ordinance to become effective immediately and to terminate on January 4, 2021. Seconded by Councilor Lazenby.

Assistant Mayor Splaine spoke to the ordinance and indicated it is clear and allows for exceptions if someone has a medical condition. He said we need to get ahead of the virus and stop it.

Mayor Becksted passed the virtual gavel to Assistant Mayor Splaine.

Mayor Becksted said he agrees with Assistant Mayor Splaine and understands his point of view. He stated that he finds it ironic that our own Health Officer won't declare a mandate. He said he would like to pass the ordinance this evening and if Health Officer McNamara or the State of NH declares an emergency that is when the date would become effective. He said he does not support a mask mandate.

Councilor McEachern said that this has been a long and thoughtful process. He said we have heard from the Chamber of Commerce for the Council to lead on this matter. He said we need to protect our citizens and keep them safe.

Councilor Tabor spoke in favor of immediate passage to put the ordinance into effect. He said we should not think about the popularity of this ordinance.

Mayor Becksted moved to amend the ordinance to add a start date to come from the State of New Hampshire or by the Health Officer declaring a State of Emergency. Seconded by Councilor Trace.

Discussion followed regarding an effective and terminated date for the ordinance.

On a roll call vote 3-6, motion to amend the ordinance to add a start date to come from the State of New Hampshire or by the Health Officer declaring a State of Emergency *failed* to pass. Councilors Huda, Trace and Mayor Becksted voted in favor. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy and Tabor voted opposed.

Assistant Mayor Splaine returned the virtual gavel to Mayor Becksted.

On a roll call vote 7-2, motion to amend the Ordinance to become effective immediately and to terminate on January 4, 2021 passed. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Tabor and Trace voted in favor. Councilor Huda and Mayor Becksted voted opposed.

Assistant Mayor Splaine moved to pass third and final reading of the ordinance, as amended. Seconded by Councilor McEachern.

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

At 10:10 p.m., Mayor Becksted declared a brief recess. At 10:18 p.m., Mayor Becksted called the meeting back to order.

Councilor Kennedy moved to suspend the rules in order to move Item XIII. D.1. forward – Middle Street Bike Lanes. Seconded by Councilor Huda.

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

Councilor Huda moved the parking of vehicles back to the curb for the Middle Street Bike Lanes immediately for the safety of all in lieu of the recent accident. Seconded by Councilor Kennedy.

Councilor McEachern moved to amend and move the cars back to the curb one block up to Union Street for the Safety of all in lieu of the recent accident. Seconded by Councilor Tabor.

Assistant Mayor Splaine said we need to remain calm and said no one is against bike lanes.

Councilor Lazenby said he would support the motion because it gets to an on-going partnership for parties interest in this matter. He stated we are changing policy and plans that go back over a decade. He spoke to the Bike/Pedestrian Plan, which this project was developed from and said it had a great deal of review.

City Manager Conard said taking action you are jeopardizing the funds for this project. She said a supplemental expenditure would come from unassigned fund balance requiring a public hearing.

Councilor Kennedy said the questions on safety of the roads would need to come back to the City Council for action. She stated we are making modifications and not doing away with the bike lane. She said we are asking to move the cars and review entire process because it is not working.

Councilor Tabor said he supports the motion of Councilor McEachern. He stated we need to make something that works for everyone and moving the bike lane back a block and getting a task force together to look into a long term plan for the bike lane took a long time to create but it is in place. He said if we make changes to the bike lanes, it requires a process as well.

On a roll call vote 4-5, motion to amend and move the cars back to the curb one block up to Union Street for the safety of all in lieu of the recent accident failed to pass. Assistant Mayor Splaine, Councilors McEachern, Lazenby and Tabor voted in favor. Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted opposed.

Councilor Huda said we need to discuss safety issues with the DOT.

City Manager Conard stated we do not have the funds in the budget to accommodate this.

Councilor McEachern stated if the design firm said that the bikes on the outside presented more danger would we still try to move the cars back.

Councilor Huda said she would like the changes done tomorrow but wants to follow the process. She stated we need to do this as soon as possible because it is time to make it safe for everyone.

Councilor Tabor said this motion requires us to move the cars back as soon as possible and it would mean putting the bikes between parked cars and traffic.

Councilor Huda said that is in contradiction of the DOT and its practices. She spoke to following a step by step approach.

City Manager Conard said we would need a stamped plan.

Councilor McEachern move to amend the motion to have an engineering study for moving the vehicles back to the curb for the Middle Street Bike Lanes immediately for the safety of all in lieu of the recent accident. Seconded by Councilor Lazenby.

Councilor Lazenby said he does not see how we can take action when we do not know the costs involved.

Councilor Tabor said we should consult with the DOT on moving the cars back to the curb.

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.

Councilor Huda moved to move the parking of vehicles back to the curb for the Middle Street Bike Lanes as soon as practical after consultation with the Department of Transportation for the safety of all in lieu of the recent accident. Seconded by Councilor Kennedy.

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.

At 11:30 p.m., Councilor Kennedy moved to adjourn the remainder of the meeting until next Tuesday, September 22, 2020 at 7:00 p.m. 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: TUESDAY, SEPTEMBER 22, 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:

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.

III. CALL TO ORDER

Mayor Becksted announced that this meeting was a continuation of the unfinished business from the September 14, 2020 City Council meeting.

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. Small Business Week in Portsmouth

Mayor Becksted read the Proclamation declaring September 20, 2020 through September 26, 2020 as Small Business Week in Portsmouth.

XII. MAYOR BECKSTED

1. City Manager Contract Amendment

City Manager Conard spoke to the change she made to her retirement plan which was with the International City County Management Association Retirement Corporation 457 Plan to the International City County Management Association Retirement Corporation 401A Plan.

Councilor Lazenby moved to authorize amendment of the City Manager's Employment Agreement to change the applicable retirement plan from the International City County Management Association Retirement 457 Plan to the International City County Management Association Retirement Corporation 401A Plan. Seconded by Councilor Whelan.

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

2. Appointments to be Considered:
 - Appointment of Margot Doering to the Historic District Commission as a Regular Member filling the unexpired term of Cyrus Beer
 - Appointment of Paul Reardon to the Historic District Commission as a Regular Member replacing Dan Rawling
 - Appointment of Michelle Consolazio to the Citizens Advisory Committee

The City Council considered the appointments outlined above which will be acted upon at the October 5, 2020 City Council meeting.

Councilor Lazenby said in speaking with the Historic District Commission Chair, Mr. Reardon has not contacted him to discuss the time commitment required of the Commission. He further stated that Mr. Reardon is a seasonal resident and expressed concerns regarding that issue. He also pointed out that the ordinance requires two members of the Commission live in the historic district.

Mayor Becksted stated we are doing the best we can with the recent death of a friend, which has put us behind on appointments.

Councilor Trace asked that the Council pays attention to what Mayor Becksted is saying and give him time to speak at the next City Council meeting on this matter. She said Mr. Rawlings term has concluded and the Mayor would not nominate him for reappointment to the Historic District Commission.

Councilor Lazenby said Mr. Rawlings continues to sit on the Commission until someone is voted to take over his position.

3. Appointment to be Voted:
 - 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

Councilor Kennedy moved to appoint Ted Jankowski, Adam Webster and Jane Wright as an Alternate to the Conservation Commission. Seconded by Assistant Mayor Splaine.

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

Expiration Terms:

- *Thaddeus Jankowski – April 1, 2023*
- *Adam Webster – April 1, 2021*
- *Jane Wright, Alternate – April 1, 2023*

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. Face Covering Exceptions

Assistant Mayor Splaine said some people need to be naturally exempt from the Face Mask Ordinance.

Assistant Mayor Splaine moved to adopt exceptions that face coverings are not required to be worn by people actively engaged in exercise, physical training, fitness training, bicycling, swimming, running, or other activity when a face covering could create a breathing problem or a barrier for the work or activity they are accomplishing in professions or services where wearing face coverings would impede in the performance of their duties, or in settings where it is not practicable or feasible to wear a face covering such as when receiving dental services, medical treatments or other situations where people would not be expected to wear a face covering, such as actively performing in a play or theatre performance. Momentary removal of a face covering for purposes of identification or adjusting the face covering is exempted. Seconded by Councilor McEachern.

Assistant Mayor Splaine said when people are doing some activity or performing individuals should not be expected to wear a face covering.

Councilor Lazenby asked how this works in reference to the ordinance.

City Attorney Sullivan said the ordinance is an order to individuals and a special ruling, it is not to bring about strict enforcement but to protect the individuals. He said this would be used as a guidance for the ordinance.

Councilor Kennedy said we have an ordinance in place and this is mute. She asked if we were upsetting the balance of the ordinance. City Attorney Sullivan said it has been determined that enforcement should give way to education. He stated we need to understand how the Council wants the ordinance enforced. He stated why not make this part of information given by the Police, Fire and Health Departments as guidance.

Councilor Trace said this is recommended guidelines. Assistant Mayor Splaine said the suggestion of Councilor Trace is the way we should move forward. He said it is a floating ordinance.

Councilor Lazenby said he would not support the motion.

Discussion continued regarding the motion.

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

B. COUNCILOR McEACHERN

1. Report Back from Legislative Subcommittee regarding NHMA 2021-2022 Final Legislative Policy Recommendations

Councilor McEachern presented the Final Policy Recommendations for the Legislative Policy Conference for October 2, 2020.

Councilor McEachern moved to accept and approve the 2021-2022 Final Legislative Policy Recommendations as presented. Seconded by Councilor Lazenby.

Councilor Tabor spoke regarding the Right-to-Know Law and said it is fundamental that any person or media should be able to receive as much information as possible. Councilor McEachern spoke to the number of man hours and personnel required to handle these requests. He said he supports the increase in fees for the ability to better serve these requests.

Councilor Tabor moved to remove the Right-to-Know Law Policies. Seconded by Councilor Kennedy.

Councilor Kennedy moved to remove the Notice Publication Requirements from the policies. Seconded by Councilor Huda.

Councilor Huda moved to remove Property Tax Exemptions from the policies. Seconded by Councilor Kennedy.

Councilor McEachern suggested tabling this matter until the next meeting and he feels it is not necessary to have this completed this evening.

Assistant Mayor Splaine stated it is not crucial that we participate with NHMA. He said he supports moving this off until a later date.

Councilor McEachern said he is disappointed we cannot address this matter. He would like to know how many we are pulling out of the policies.

Councilor Lazenby said he wants us to have a voice with NHMA. He said taking the recommendation from the Legislative Subcommittee allows us to have a vote at the table.

Councilor Kennedy said in the future we need to get this to the City Council sooner.

Assistant City Attorney Ferrini said the vote would be a two-thirds vote of the membership as a point of clarification.

Councilor McEachern said it is obvious some feel they did not have time to review these items.

Assistant City Attorney Ferrini explained the various policies as recommended by the Legislative Subcommittee.

Councilor Kennedy moved to remove the three policies and vote on the remaining policies. Seconded by Councilor Tabor.

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

Councilor Kennedy moved to put the three items together as one conversation. Seconded by Councilor Huda.

Assistant Mayor Splaine moved to table the rest of the discussion on the Legislation Committee until the next City Council meeting. Seconded by Councilor Huda.

Councilor Kennedy said she wants to ensure that NHMA is aware of the policies we pulled out.

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

2. City's Representative Voting Delegate for NHMA Legislative Policy Conference

Councilor Kennedy moved to appoint Councilor McEachern as the City's voting delegate at the upcoming NHMA Legislative Policy Conference. Seconded by Assistant Mayor Splaine.

Assistant Mayor Splaine said we should have a full report back with a more objective view point.

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

C. COUNCILOR LAZENBY

1. Request for Report on Compliance with Mask Guidelines at September 8, 2020 Primary Election

City Clerk Barnaby provided a detailed report on voter compliance with mask guidelines.

2. Election Officials Salaries (Not on Agenda)

Assistant Mayor Splaine requested that City Clerk Barnaby provide a report back for the next meeting on whether we should be increasing or providing a stipend for election workers.

E. COUNCILOR TABOR

1. Middle Street Long-Term Task Force

Councilor Tabor moved to approve the creation of a citizen task force to answer the question: "How can we make Middle Street a bicycle-pedestrian-vehicle boulevard that works for everyone and enhances the city?" Seconded by Councilor McEachern.

Councilor Tabor said we could benefit from a task force and an overall plan for Middle Street. He spoke to a tour of the bike lanes and the sight line issues.

Mayor Becksted said it would take two weeks to assemble a task force and would like to look at this later down the line. He said he does not believe zoom allows for a thorough interaction, which is needed.

Assistant Mayor Splaine said it is tough to do this through zoom. He said we need to deal with what we have available to us. He said he feels creating a task force is the right way to go, we could have groups of people to examine this matter.

Councilor Tabor said he is fine with putting together a task force and we should move quickly on this issue.

Councilor McEachern said he would support this motion. He said he would like a better understanding of what the residents want and what is in the best interest of the neighborhood.

Councilor Huda said she is surprised that the City Manager has moved forward with a decision to hire an engineer. City Manager Conard said we need to engage a traffic engineer on moving the cars to the curb.

Councilor Kennedy asked if we are sending out bids for a traffic engineer and who attended the walkabout of the bike lanes. City Manager Conard said that the cost would be under \$10,000.00.

Councilor Tabor said that there were two meetings and he invited the entire City Council. He said six neighbors came from both sides of the street. He said he sent the invitation out via e-mail.

Assistant Mayor Splaine said the meeting was under a quorum because four City Councilors were present. He visited the area seven times and did a neighborhood walk.

Councilor Whelan said he appreciates the efforts of Councilor Tabor but he would not support the motion. He said he wants to hear back from the State and the PEER review. He stated he would rather wait for the City Manager to report back and then bring the motion forward and get residents involved.

Councilor Lazenby said that this is a creative idea and represents relative points. He said we need to move forward and get work done.

Councilor Trace said she would not support this because we should take one step at a time and receive a clear response from the State.

Councilor McEachern said they are not mutually exclusive. He stated it does not solve the lack of buy in and does not solve the issue of the bike lanes.

Assistant Mayor Splaine said that this is not an either/or situation. He said we don't need to delay this and would like to see us get underway by October 15th and make a report back in February. He said let's come up with a solution.

Mayor Becksted said how can we substantial change like this and we are the only ones with bike lanes in New Hampshire. He said he doesn't feel moving the cars back to the curb is a substantial change. He said he would prefer to wait until DOT makes a ruling on this matter.

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.

2. Clipper Strong Fund Update and Small Grant Program

Councilor Tabor provided an update on the Clipper Strong Fund and the Small Grant Program that is available. He reported that over 200 bags were given out and we are now offering up to a \$500.000 grant to small businesses of less than 10 employees. He spoke to the application and that there is a deadline of October 2nd to apply.

Councilor Kennedy thanked the Committee, which has done a great deal of work. She thanked City Manager Conard for her work on this project.

Mayor Becksted thanked Councilors Tabor and Kennedy and the businesses that have participated in this. He said we are making this work for everyone.

Councilor Huda moved to suspend the rules to take up Item XVIII. 4. – Report Back and Update on CARES Act Fund Allotment as Requested at the August 18, 2020 City Council meeting. Seconded by Councilor Kennedy.

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.

City Manager's Informational Item

4. Report Back and Update on CARES Act Fund Allotment as Requested at the August 18, 2020 City Council meeting

Councilor Huda asked where we currently stand on these matters. City Manager Conard reviewed her detailed memorandum dated September 22, 2020. She outlined the areas and amounts received as follows:

- *First Responder Stipends - \$333,770.98*
- *Health and Human Services - \$31,698.87*
- *Governor's Office for Emergency Relief and Recovery (GOFERR) - \$522,989.00*
- *Elementary and Secondary Schools Emergency Relief (ESSER) Grant - \$286,291.37*
- *Sub-Grant Through the State of New Hampshire Secretary of State from CARES Act for the Primary Election in September and General Election in November 2020 - \$54,083.09*
- *Federal Emergency Management Agency (FEMA) – The City will receive 75% of eligible expenses*
- *Community Development Block Grant (CDBG) - \$490,082.00*

Finance Director Belanger informed the City Council that PPE would be eligible for reimbursement for the Police and Fire Departments but not for some others.

City Manager Conard spoke to items that were accepted for reimbursement and reported on June 15th we submitted expenses for March and April and in July we will submit for May and June. She also addressed expenses incurred from Pop Up with Public Works Director Rice reporting that \$7,000.00 was spent for the barricades. She advised the City Council that we have exhausted our CARES Act funds.

E. COUNCILOR TRACE

1. Report Back from City Manager Conard on a verification of and possible suggestions to the following:
 - Sunset Date of October 18, that was/is set for the Citizens Response Taskforce
 - Verification of the Sunset Date of October 18 for the use of Bridge Street Parking Lot by Popup NH
 - Verification of finances of the Bridge Street Parking Lot specifically as to how much it has cost taxpayers in gross lost parking revenue at present – approx. \$80,000.00. And if present use by present group were extended to January 1, 2020 – approximately \$200,000.00 total figured at 80% usage? Plus \$50,000.00 in goods and services from Cares Act would be a total benefit of \$250,000.00 to the group with a \$200,000.00 loss of gross parking revenue to Taxpayers of Portsmouth?
 - Possible ideas of relocation for Popup NH that would not result in a similar probable tax burden on the already struggling taxpayers of Portsmouth and a strain on other local businesses in the area due to the loss of parking for customers

Councilor Trace moved to extend the sunset date for the Bridge Street Lot to October 31st at midnight. Seconded by Councilor McEachern.

Councilor Trace said if we are going to get a large amount of snow that we remove the items.

Councilor Huda asked on dissembling the items who would be responsible for the liability. Public Works Director Rice said anything above ground Pop Up would need to remove. She asked how long it would take to clean up everything and reuse the parking. Public Works Director Rice said it would take a day to get the parking back in place.

Councilor Kennedy said she is very disappointed because the motion was for funds to come from the CARES Act.

Mayor Becksted said he would like the last day to be November 1st. He spoke to the stay and pay parking that was created and said it allows people to stay all day and he would like to eliminate it from parking lots.

Councilor Trace accepts the change of date to November 1st in the motion.

Councilor Huda asked if there was a contingency plan if we receive snow during that time frame. Public Works Director Rice said they had a plan in place.

Discussion followed regarding the set up and removal of the barriers.

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

Request to Extend the Sunset Date for Street Restaurants

Councilor Trace moved to extend the sunset date for the street restaurants, any outside dining we have behind barriers on City property to November 1, 2020 in keeping with Popup NH, with the possibility, weather permitting extending it further at the will of the City Council. Seconded by Councilor Tabor.

Councilor McEachern moved to amend the motion and extend the sunset date to January 1st. Seconded by Assistant Mayor Splaine.

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

On a unanimous roll call 9-0, main motion to extend the sunset date for street restaurants, any outside dining we have behind barriers on City property to November 1, 2020 in keeping with Popup NH, with the possibility, weather permitting extending it further at the will of the City Council.

At 10:27 p.m., Mayor Becksted called a brief recess. At 10:35 p.m., Mayor Becksted called the meeting back to order.

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

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

XIV. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Police Department Grant - \$24,759.00 from the NH Department of Justice

Councilor Lazenby moved to accept the grant to the Portsmouth Police Department as presented. Seconded by Councilor Huda.

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

- B. Acceptance of Grant for Household Hazardous Waste Collection

Councilor Kennedy moved to accept and expend a \$4,193.00 DES grant for the purpose of household hazardous waste collection events and authorize the City Manager to execute any documents which may be necessary for this grant. Seconded by Councilor Huda.

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

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Request for Approval of Portsmouth School Cafeteria Contract
2. Request for Approval of Portsmouth School Custodial Contract
3. Request for Approval of Portsmouth School Paraprofessionals Contract
4. Request for Approval of Portsmouth AFSCME 1386B Contract

Councilor Lazenby moved to approve all four agreements as presented. Seconded by Councilor McEachern.

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

6. Construction License for 99 Hanover Street

Councilor Lazenby moved to authorize the City Manager to execute and accept the temporary construction license for Portwalk Residential, LLC/Cathartes Private Investment as submitted. Seconded by Assistant Mayor Splaine.

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

7. 46-64 Maplewood Avenue Temporary Construction License Extension

City Manager Conard stated that this is a temporary construction license extension for 46-64 Maplewood Avenue.

Councilor Lazenby moved to enter into an extension of a license with 30 Maplewood, LLC, and to execute and accept the temporary construction license for 46-64 Maplewood Avenue as submitted. Seconded by Assistant Mayor Splaine.

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

8. Request to Waive Prescott Park Arts Festival Annual Consideration Fee

City Manager Conard advised the City Council this was a request to waive the fee for the 2020 season.

Councilor Tabor said he would need to abstain from the vote on this matter.

Councilor Lazenby moved to waive the Prescott Park Arts Festival's annual consideration fee of \$20,424.00 for the Festival's 2020 season. Seconded by Councilor McEachern.

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

9. Request to Waive Gundalow Company Annual Consideration Fee
10. Request to Waive NH Art Association Annual Consideration Fee

Councilor Lazenby moved to waive the remainder of the Gundalow fee and the partial NH Art Association Annual Fee as presented. Seconded by Councilor McEachern.

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

11. Request to Renew Antenna License of Portsmouth Community Radio (WSCA)

City Manager Conard stated this is to maintain the current working transmitter.

Councilor Kennedy moved to authorize the City Manager to finalize and execute a 10-year license agreement with Portsmouth Community Radio as presented. Seconded by Councilor Lazenby.

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

5. Sagamore Avenue Sewer Extension Project

City Manager Conard said over the last few months additional information has been provided and we are asking the City Council to endorse an approach on this matter.

Councilor Lazenby moved approach #3 to authorize the final permitting design and bidding necessary to install public sewer mains and private components to the full project limits (91 connections) and further direct that the bid document be structured so as to allow for the base bid to include the installation of all public sewer mains and the bid alternates to consist of all the private property work. Seconded by Councilor McEachern.

City Engineer Desmarais spoke to the base bid which will allow us to move the project forward and meet the consent decree requirements.

Councilor Huda asked if funds are currently available for the project. City Engineer Desmarais said the base bid should come in below the \$4.4 million. Councilor Huda stated there would be no bonding until next year. City Engineer Desmarais said that was correct.

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

XVI. CONSENT AGENDA

- A. Request for License to Install a Projecting Sign for owner Samuel Habib, The Hub Smoke and Vape for property located at 222 State Street (***Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director's Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***
 - ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
 - ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***
- B. Acceptance of Sidewalk and Drainage Easement for 95 Brewster Street (***Sample motion – move to accept a sidewalk easement and a drainage easement for 95 Brewster Street as presented***)
- C. Acceptance of Drainage Easement for 185 Edmond Avenue (***Anticipated action – move to authorize the City Manager to accept a drainage easement over land at 185 Edmond Avenue from Ryan and Adrienne Cress (Tax Map 220 Lot 56)***)
- D. Request for a License to Install a Projecting Sign for owner Kaylee Donovan, The Gallery Salon for property located at 951 Islington 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***
- E. Letter from Melissa Walden, American Lung Association, requesting permission to hold the Cycle the Seacoast on May 2, 2021 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

- F. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the following events in 2021:
- First Night Portsmouth 2021, Thursday, December 31, 2020
 - Children’s Day, Sunday, May 2, 2021; Noon – 4:00 p.m.
 - 44th Annual Market Square Day Festival & 10K Road Race – Saturday, June 12, 2021; 9:00 a.m. to 4:00 p.m.
 - 18th Annual Summer in the Street, Saturday evenings 5:00 p.m. – 9:30 p.m. – July 10, July 17, July 24, July 31
Street Closures: 4:00 p.m. (set up) – 9:30 p.m. (cleanup) – Pleasant Street – Porter Street to Market Square

(Anticipated action – move to refer to the City Manager with Authority to Act)

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

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

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- C. Email Correspondence

Councilor Lazenby moved to accept and place on file. Seconded by Councilor McEachern.

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

- D. Letter Erick Newman, Eversource, requesting to Name and Unnamed Private Road and Assign 911 Numbering to the Improvements Accessed Therefrom

Councilor Lazenby moved to refer to the Planning Board for report back. Seconded by Councilor McEachern.

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

- F. Letter from Stephen Iandoli Requesting the Renaming the South Mill Pond Complex in Honor of Rus Wilson

Mayor Becksted passed the virtual gavel to Assistant Mayor Splaine.

Mayor Becksted moved to refer to the Recreation Board for consideration. Seconded by Assistant Mayor Splaine.

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

Assistant Mayor Splaine returned the virtual gavel to Mayor Becksted.

E. Report Back on Request of Restoration of Involuntary Merged Lot – 1240 Islington Street

Mayor Becksted said last week the recommendation was made by the Assessor's Department and the Planning Board. He addressed the process changing, but he would like to stay with the Planning Board process of reviewing these requests.

Councilor McEachern said he disagrees that the process before worked. He stated until we ignored the recommendation of the Planning Board, which the City Council voted against and that broke the process. He said it is our duty to prove these lots were voluntarily merged. He said we could put a process in place but we must follow the RSA which requires the City Council to prove that the lot was merged. He stated the Assessor is a non-political way of doing this.

City Manager Conard said the Assessor said there was no record of this.

City Attorney Sullivan said the Planning Board recommendation was appealed by one of the properties. He said the decisions of Planning Board have its own separate appeal process with no appeal process from the Assessor's office. He stated the City Council could rely on someone else for the research.

City Manager Conard asked when the recommendation was changed from Planning Board. City Attorney Sullivan said the decision was made after the Thaxter Road decision by the City Council.

Mayor Becksted said this City Council is in a bind, because of two different proceedings. He feels that property owners have rights. He said if we go the route of the Assessor you are taking away the right of property owners and he would like to continue the Planning Board process.

Councilor Kennedy moved that we restore this lot per the Assessor's memorandum. Seconded by Councilor McEachern.

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

Involuntary Merged Lot Process (Not of Agenda)

Councilor Kennedy moved to forward all merged lot lines to be sent to the Planning Board for review. Seconded by Councilor Huda.

Councilor Huda moved to amend the motion and add the Assessor's office validation, in addition to a Planning Board report. No second received.

City Attorney Sullivan said the motion is valid. The City Council could make the Assessor's office review and then forward to the Planning Board for comments and then both would review these matters.

Councilor McEachern said it is not to the letter of the law. He said you have the right whether or not you have lived here longer. He said you have the same property rights in New Hampshire. He further stated it is up to the City to prove otherwise.

Councilor Tabor said he agrees with Councilor McEachern, the neighborhood could go to the hearing but they must prove there was some where the lots were involuntarily merged.

Mayor Becksted said justice was done on Thaxter Road.

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

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

Councilor Trace asked about the main going under the Peirce Island Bridge. City Engineer Desmarais spoke to the condition of the main and that they are securing a temporary main while they can design and plan for the replacement of the main from the treatment plant to the bridge. Councilor Trace asked what the estimated cost is to replace the main. City Engineer Desmarais said he does not have a figure, but it will be expensive.

Councilor Kennedy asked where this main was in the process of plans for replacement and upkeep. City Engineer Desmarais said we did not believe the condition of the pipes were that bad and replacing the pipe was not part of a plan. He said the deterioration was at the bottom of the pipe.

City Manager Conard reported that we will be conducting an assessment ratio study. Mayor Becksted said if no one did any work to their home everything should stay the same.

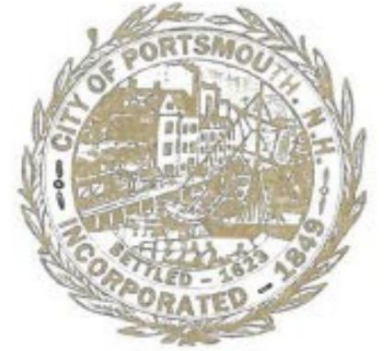
XX. ADJOURNMENT

At 11:45 p.m., Councilor Kennedy moved to adjourn. Seconded by Councilor Lazenby.

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



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK



Community Power An Opportunity for Portsmouth

Sustainable Practices Blue Ribbon Committee
Councilor Lazenby & PHS Eco Club Members Darla Mahoney and Maya McKinnon
June 7, 2021

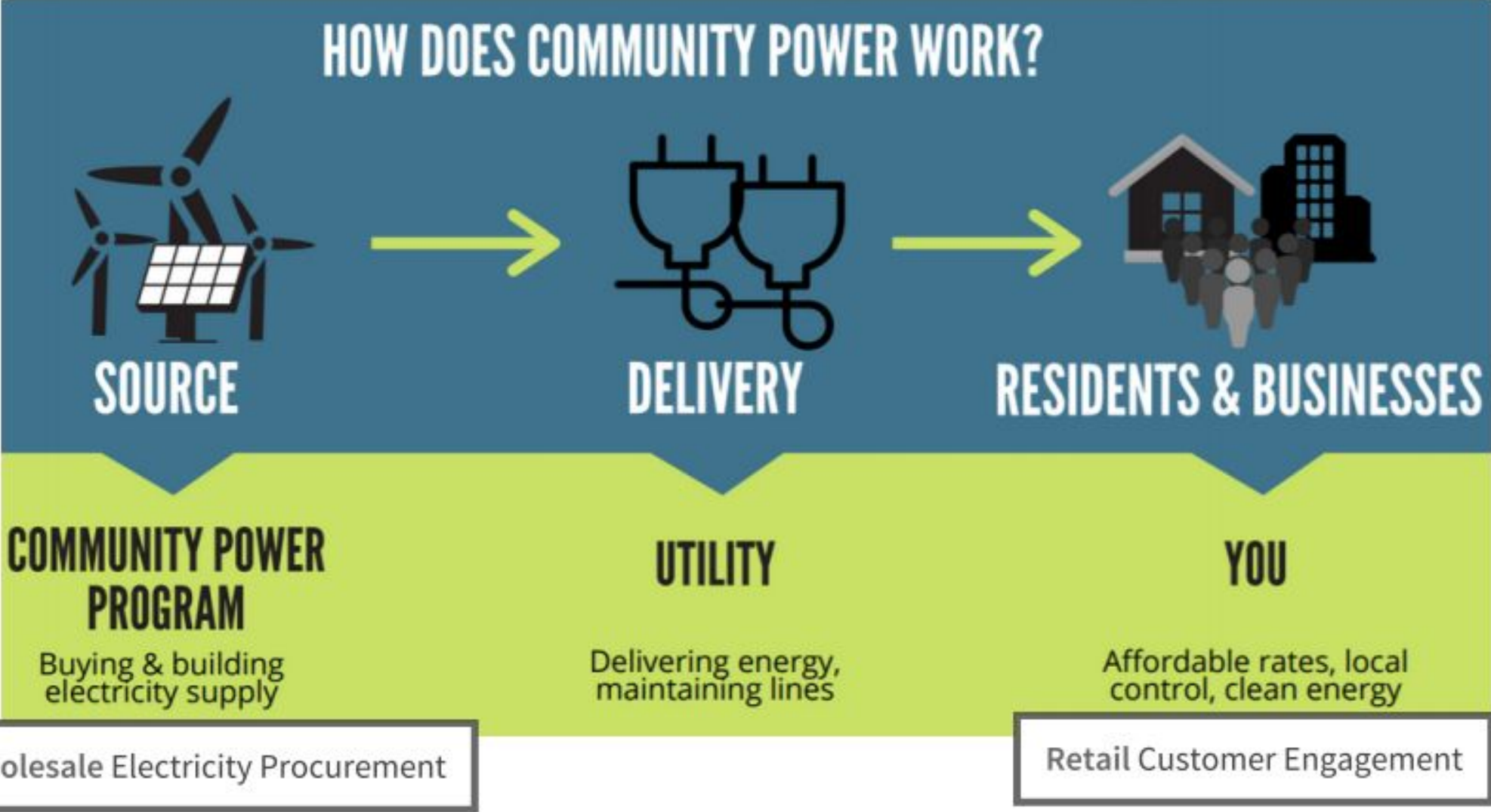
An Urgent Matter – Striving for Sustainability & Climate Action

- The City of Portsmouth and the Sustainability Committee aim to move climate solutions towards Drawdown – as quickly, safely, and equitably as possible.
 - **Drawdown**—*the future point in time when levels of greenhouse gases in the atmosphere stop climbing and start to steadily decline*
 - 1.1 Electricity* – Shift Production, Enhance Efficiency, Improve the System
 - Drawdown #8 Priority -- Solar Farms; #10 -- Rooftop Solar
- **Community Power is a new opportunity in NH for greener, locally generated energy supply with greater community choice and cost efficiencies**

*Source

[TheDrawdownReview-2020-Download.pdf](#)

How Does It Work?



Benefits of Community Power

Cost Savings Through coordinated purchasing, municipalities receive opportunities to buy electricity supply at lower cost for consumers

Aggregation of Local Renewables Cleaner & renewable energy options generated locally -- solar, hydro, wind

Municipal Cooperation for Sustainable Energy NH communities share best practices and improved leverage to use Greener power with better efficiency



State Legislation Provides New Opportunities

- Recent laws give Portsmouth and all NH municipalities **options for Cleaner and Cheaper Energy**
- Community Power, authorized under [NH RSA 53-E](#), empowers cities and towns to aggregate local power and/or manage electricity suppliers for residences and businesses using existing distribution carriers

NH RSA 53-E – Effective October 1, 2019

“ The governing body of a municipality or county may form an electric aggregation committee to develop a plan for an aggregation program for its citizens. A municipality or county may join other municipalities or counties in developing such plans.”

RSA 53-A:3 – Joint Exercise of Powers

The joint exercise of powers would allow cities and towns around the state to combine in coalitions to aggregate and distribute electricity.

NH Communities Working With Community Power

- Communities across NH already pursuing Community Power
[NHPR: A New Way To Think About Your Energy Bill](#)
- Portsmouth to learn best practices from existing programs
 - Town of Hanover - first to join state coalition
<https://www.hanovernh.org/sustainable-hanover-committee>
 - City of Lebanon <https://lebanonnh.gov/1126/Energy-Facilities>
 - City of Nashua <https://www.nashuanh.gov/1468/Electric-Aggregation-Committee>
 - City of Keene <https://keenecommunitypower.com/>
 - Town of Harrisville <https://harrisvillenh.org/eac-community-power/>
 - Cheshire County <https://monadnockeconomy.com/category/renewable-energy/>
 - 30+ NH towns/cities/counties already considering Community Power





**COMMUNITY
POWER COALITION**
OF NEW HAMPSHIRE
For communities, by communities.

COMMUNITY POWER COALITION: MEMBER BENEFITS

Local
Control



Governed by
Communities

Shared
Services



Statewide Operations
& Economy-of-Scale

Public
Advocacy



Regulatory and
Legislative Affairs

Community Power Coalition of NH

- Non-Profit Offering Benefits Thru Joint Action and Advocacy
- Voluntary participation, no upfront Costs
- Opportunity for Portsmouth to Join Board as Founding Member

Next Steps for Portsmouth Community Power





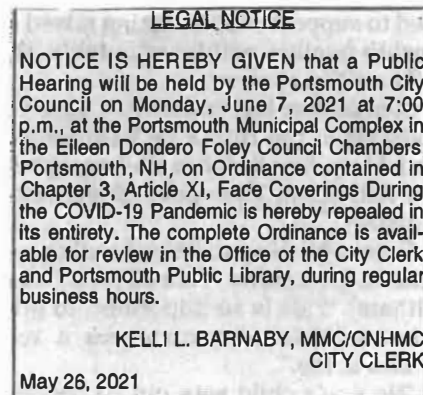
THANK YOU

Community Power
for the People of Portsmouth

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, June 7, 2021 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on Ordinance contained in Chapter 3, Article XI, Face Coverings During the COVID-19 Pandemic is hereby repealed in its entirety. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 3, Article XI, **FACE COVERINGS DURING THE COVID-19 PANDEMIC**, 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):

Is hereby repealed in its entirety, specifically:

~~ARTICLE XI: FACE COVERINGS DURING THE COVID-19 PANDEMIC~~

~~3.1101 FACE COVERINGS REQUIRED~~

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

~~3.1102 PERMISSIBLE FACE COVERINGS~~

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

~~3.1103 EXCEPTIONS~~

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

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

~~3.1104 PENALTY~~

~~The penalty for a person violating this provision shall be the issuance of a civil citation pursuant to Ordinance Article XIII, MUNICIPAL ENFORCEMENT~~

~~PROCEDURES¹, except that under no circumstances shall the penalty for a violation of this ordinance exceed \$25.00.~~

EFFECTIVE DATE

The repeal of this ordinance shall take effect on the passage of third reading.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Mayor Rick Becksted

ADOPTED BY COUNCIL:

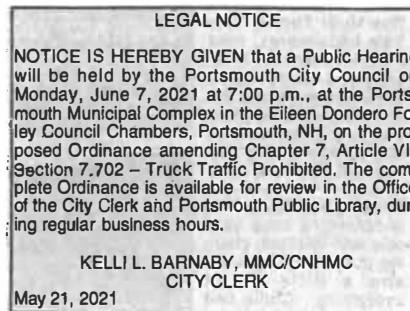
Kelli L. Barnaby, City Clerk

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, June 7, 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 VII, Section 7.702 – Truck Traffic Prohibited. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article VII, Section 7.702 – **TRUCK TRAFFIC PROHIBITED** 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 VII: TRUCK AND BUS TRAVEL

Section 7.702: TRUCK TRAFFIC PROHIBITED

It shall be unlawful for any truck with a box, body or platform of over 12 feet in length to use the following streets subject to the exceptions of Section 7.704 of this Article.

1. Adams Avenue
2. Banfield Road
- ~~3.~~ **3. Bartlett Street**
- ~~3-4.~~ Broad Street (between South Street and Jones Avenue).
- ~~4-5.~~ Burkitt Street (between Dennett Street and the Maine/New Hampshire Interstate so-called).
- ~~5-6.~~ **5.6. Cate Street between Cottage Street and Hodgdon Way**
- ~~6-7.~~ Chestnut Street (from Congress Street to Porter Street)
- ~~7-8.~~ Circuit Road
- ~~8-9.~~ Cleveland Drive
- ~~9-10.~~ Coolidge Drive
- ~~10-11.~~ ~~Dennett Street (Between Bartlett Avenue to Maplewood Avenue)~~
- ~~11-12.~~ Dwight Avenue
- ~~12-13.~~ Echo Avenue
- ~~13-14.~~ Edgewood Road
- ~~14-15.~~ Farm Lane
- ~~15-16.~~ Fillmore Road
- ~~16-17.~~ F.W. Hartford Drive
- ~~17-18.~~ Garfield Road
- ~~18-19.~~ Granite Street
- ~~19-20.~~ Grant Avenue
- ~~20-21.~~ Greenleaf Avenue
- ~~21-22.~~ Harding Road
- ~~22-23.~~ Hayes Place
- ~~23-24.~~ Hoover Drive
- ~~24-25.~~ Mangrove Street
- ~~25-26.~~ Maplewood Avenue (from Central Avenue to Woodbury Avenue)
- ~~26-27.~~ McKinley Road

- ~~27.28.~~ Myrtle Avenue (between Dennett St. and the Maine/New Hampshire Interstate so-called)
- ~~28.29.~~ Nixon Park
- ~~29.30.~~ Pickering Street
- ~~30.31.~~ Polk Avenue
- ~~31.32.~~ Profile Avenue
- ~~32.33.~~ Ranger Way
- ~~33.34.~~ Rockhill Avenue
- ~~34.35.~~ Sherburne Road
- ~~35.36.~~ Taft Road
- ~~36.37.~~ Taylor Lane
- ~~37.38.~~ Thornton Street (between Woodbury Avenue and Bartlett Street)
- ~~38.39.~~ T.J. Gamester Avenue
- ~~39.40.~~ Truman Place
- ~~40.41.~~ Van Buren Avenue
- ~~41.42.~~ Wilson Road
- ~~42.43.~~ Woodbury Avenue, between Market Street and Bartlett Street

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

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

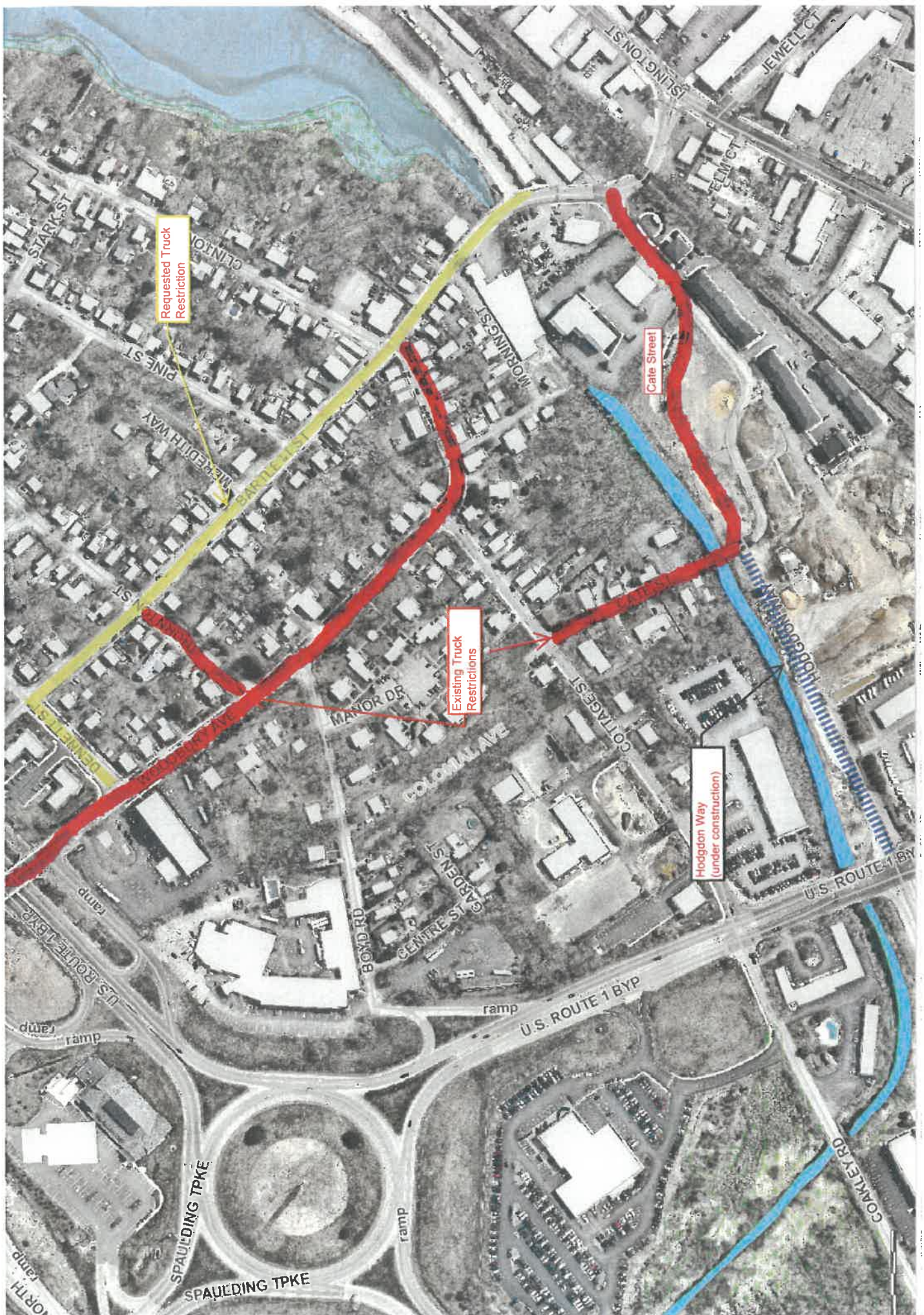
This ordinance shall take effect **when Hodgdon Way is open for public travel.**

APPROVED:

Rick Becksted, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



Requested Truck Restriction

Existing Truck Restrictions

Cate Street

Hodgdon Way (under construction)

**CITY OF PORTSMOUTH, NEW HAMPSHIRE
ANNUAL APPROVAL OF FEE SCHEDULE
FOR THE FISCAL YEAR ENDING JUNE 30, 2022**

**RESOLUTION # 7-2021 A RESOLUTION TO ADOPT FEES BY BUDGET
RESOLUTION**

BE IT RESOLVED: **THAT**, the attached fee schedule (Exhibit A) is found to be reasonable and appropriate and is recommended for adoption. (The fees denoted with an asterisk have been changed.)

THAT, the fee schedule attached (Exhibit A) shall be effective July 1, 2021.

APPROVED BY:

RICK BECKSTED, MAYOR

ADOPTED BY CITY COUNCIL:

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

CITY OF PORTSMOUTH
PROPOSED SCHEDULE OF FEES
FISCAL YEAR 2022



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The City of Portsmouth Fee Schedule is governed by City Ordinance Chapter 1 Article XVI: Adoption of Fees by Budget Resolution

This ordinance was adopted for the purpose of creating a more efficient system for the City to adopt and adjust municipal fees.

To the extent permitted by law and notwithstanding any ordinance previously adopted to the contrary, all municipal fees, whether established by ordinance or otherwise shall be adopted and may be amended by resolution during the annual budget adoption process.

Any municipal fee which is not in the final resolution adopted during the annual budget process, or any municipal fee which is determined to require a process other than adoption by annual budget resolution, shall remain at the level at which it was last validly adopted by the City.

Fee revenue in the General Fund raises approximately 1% of total General Fund Revenue.

Following are the FY 22 Departments with recommended fee changes:

Department	Page
Fire	33
Public Works	36
Recreation	42,43
Parking/Transportation	51
Water/Sewer	55,56

Statistics On Local Fees Governed
by the Fee Committee and Local Ordinance:
Chapter 1, Article XVI.

GENERAL FUND

FY 2021 Budget	\$119,115,338
Fees as a percentage of total General Fund Revenues: 1%	

Local Fees, Licenses, Permits portion of Budgeted Revenues:

Department	FY 21 General Fund		Changed		Changed	
	Revenues From Fees	# of Fees charged	Since 2016	% Changed	Since 2002	% Changed
Finance	\$0	10	2	20.0%	3	30.0%
City Clerk	\$38,000	38	7	18.4%	19	50.0%
Planning	\$160,000	52	19	36.5%	49	94.2%
Inspection	\$895,000	71	4	5.6%	70	98.6%
Police	\$30,000	13	0	0.0%	11	84.6%
Fire	\$96,500	32	30	93.8%	30	93.8%
Public Works	\$112,100	50	26	52.0%	46	92.0%
Recreation	\$130,000	21	0	0.0%	18	85.7%
Health	\$75,000	29	20	69.0%	28	96.6%

Total Local Fees, Licenses and Permits

Portion of GF	\$1,536,600	316	108	34.2%	274	86.7%
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PARKING

	# of Fees charged	Changed Since 2016	% Changed	Changed Since 2002	% Changed
*Parking / Transportation					
Total Parking /Trans	34	31	91.2%	34	100.0%

*Note:
Parking Violations and Parking Meters are governed under different Ordinance than local ordinance: Chapter 1, Article XVI.

ENTERPRISE FUNDS

Total Cash Requirements	\$28,319,100
Revenue from Fees	\$2,046,384
% of FY 2021 Total	

Department	Water / Sewer Budgeted Revenue	# of Fees charged	Changed Since 2016	% Changed	Changed Since 2002	% Changed
Water / Sewer	7.23%	92	54	58.7%	81	88.0%

SPECIAL REVENUE FUNDS

Department	# of Fees charged	Changed Since 2016	% Changed	Changed Since 2002	% Changed
Library	4	4	100.0%	4	100.0%
Prescott Park	71	69	97.2%	71	100.0%
Recreation	30	0	0.0%	29	96.7%

Total City Fees		547	266	48.6%	493	90.1%
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**City of Portsmouth
Fee Schedule
Finance Department**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
Non Sufficient Funds check processing fee	Pre FY 02	\$30.00	\$30.00 per check	\$30.00
(1) Any copy made for non-City use	Pre FY 02	\$2.00	\$2.00 1st copy	\$2.00
(1) all subsequent pages	Pre FY 02	\$0.50	\$0.50 all subsequent pages	\$0.50
(1) USB Drive for transfer of electronic files	FY 18	\$8.00	\$8.00	\$8.00
(1) Note: City records subject to Right to Know requests can be viewed at City Hall or downloaded free onto personal USB drives.				
All copies made on 11 x 17 pages.	Pre FY 02	\$0.50	\$0.50 per copy	\$0.50
Tax bills prepared for parties other than owners.	Pre FY 02	\$2.00	\$2.00 1st copy	\$2.00
Tax Card/Tax Map from laser printer (Free to property owner)	FY 04	\$1.00	\$1.00 Each Print	\$1.00
Standard Assessing mailing list file	Pre FY 02	\$75.00	\$75.00	\$75.00

**City of Portsmouth
 Fee Schedule
 Finance Department**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
Assessor created export file	FY 17	\$150.00	\$150.00	\$150.00
DVD copies of City related events	Pre FY 02	\$10.00	\$10.00	\$10.00

**City of Portsmouth
Fee Schedule
City Clerk**

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
* (Indicates change from current fee)				
<u>Chapter 6: Article I Section 109C</u>				
Licenses-Gen. Provisions- Duties of licensee				
<u>Change Location of Licensed Business</u>	Pre FY 02	\$1.00	\$1.00	Per Occurrence
				<u>\$1.00</u>
<u>Chapter 6: Article I Section 110B</u>				
Licenses-Gen. Provisions-Transfer of license				
<u>Transfer of License</u>	Pre FY 02	\$10.00	\$10.00	Per Occurrence
				<u>\$10.00</u>
<u>Chapter 6: Article II Section 201</u>				
Billiards and Bowling				
<u>License</u>	FY 14	\$25.00	\$25.00	Per Year, Per Table or Lane
				<u>\$25.00</u>
<u>Chapter 6: Article III Section 302</u>				
Model Slot Car Racing				
<u>License</u>	Pre FY 02	\$25.00	\$25.00	Per Year
				<u>\$25.00</u>

**City of Portsmouth
Fee Schedule
City Clerk**

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
* (Indicates change from current fee)				
<u>Chapter 6: Article IV Section 403C</u>				
Coin Operated Amusement Devices				
License	FY 03	\$75.00	\$75.00	For each of the first 30 machines, per year
	FY 03	\$10.00	\$10.00	For each machine over 30, per year
<u>Chapter 6: Article V Section 502</u>				
Boxing and Wrestling				
License	Pre FY 02	\$10.00	\$10.00	Each Day
<u>Chapter 6: Article VI Section 602</u>				
Dancing				
License	Pre FY 02	\$10.00	\$10.00	Per Dance

**City of Portsmouth
Fee Schedule
City Clerk**

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
* (Indicates change from current fee)				
<u>Chapter 6: Article IX Section 901C12</u>				
Circus License				
Amusement Devices	Pre FY 02	\$30.00	\$30.00 Per Day	\$30.00
Carnivals (For Operation)	Pre FY 02	\$125.00	\$125.00 Per Day	\$125.00
Including Each Amusement Device	Pre FY 02	\$30.00	\$30.00	\$30.00
Circus (For Operation)	Pre FY 02	\$125.00	\$125.00 Per Day	\$125.00
Including Each Amusement Device	Pre FY 02	\$30.00	\$30.00	\$30.00
Fairs (For Operation)	Pre FY 02	\$10.00	\$10.00 Per Day	\$10.00
Including Each Amusement Device	Pre FY 02	\$5.00	\$5.00 Per Day	\$5.00
Temporary Structures	Pre FY 02	\$10.00	\$10.00 Per Day	\$10.00
<u>Chapter 6: Article IX Section 902</u>				
Circus License				
Total fee for Circus license shall not be less than	Pre FY 02	\$75.00	\$75.00 Per Day	\$75.00

**City of Portsmouth
Fee Schedule
City Clerk**

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
* (Indicates change from current fee)				
<u>Chapter 6: Article X Section 1003</u>				
Theatricals, Parades, Open Air Meetings				
License	Pre FY 02	\$300.00	\$300.00	Not to exceed per day
License to exhibit in any hall	Pre FY 02	\$50.00	\$50.00	Not to exceed per day
<u>Chapter 6: Article XIII Section 1315</u>				
Hawkers and Peddlers				
License	Pre FY 02	\$250.00	\$250.00	Per Year
<u>Chapter 6: Article XIV Section 1402</u>				
Pawn Brokers				
License	FY 14	\$50.00	\$50.00	Per Year
<u>Chapter 6: Article XV Section 1502</u>				
Roller Skating Rinks				
License	Pre FY 02	\$50.00	\$50.00	Per Year
<u>Chapter 6: Article XVI Section 1608</u>				
Magazine Subscription Solicitors				
License	FY 06	\$50.00	\$50.00	Per Year

**City of Portsmouth
Fee Schedule
City Clerk**

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
* (Indicates change from current fee)				
<u>Chapter 9: Article V Section 504 C</u>				
Sidewalk Obstructions				
Obstruction (including Restaurant Table)	FY 18	\$75.00	\$75.00	Each Obstruction (including Restaurant Table) <u>\$75.00</u>
<u>Chapter 9: Article V Section 504 C</u>				
Sidewalk Obstructions				
Restaurant Chairs	FY 18	\$10.00	\$10.00	Each Restaurant Chair <u>\$10.00</u>
<u>Non-ordinance-City Council Policy No. 2012-02</u>				
Area Service Agreements-use of City Property for Sidewalk Café's providing Alcohol Services				
	FY 12	\$10.00	\$10.00	per square foot-6 month season-no proration <u>\$10.00</u>
	FY 12	\$2,000.00	\$2,000.00	minimum fee <u>\$2,000.00</u>

**City of Portsmouth
Fee Schedule
City Clerk**

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
				* (Indicates change from current fee)
Notarization	FY 05	\$5.00	\$5.00 Per Document	\$5.00
Tag day, permits	FY 18	\$20.00	\$20.00	\$20.00
Ward checklist	FY 18	\$75.00	\$75.00 per set	\$75.00
Ward checklist for individual wards	FY 18	\$25.00	\$25.00	\$25.00
Event permit (fairs, parades etc. not governed by ordinance)	FY 18	\$50.00	\$50.00	\$50.00
Ordinance Books	Pre FY 02	\$100.00	\$100.00	\$100.00
Ordinance book supplements (distributed 2 x per year)	Pre FY 02	\$50.00	\$50.00	\$50.00
Voter certification	FY 05	\$5.00	\$5.00	\$5.00
Voter History Disk	FY 18	\$125.00	\$125.00 per election	\$125.00
Articles of agreement filing	Pre FY 02	\$5.00	\$5.00	\$5.00
Restricted Property Listing	FY 12	\$15.00	\$15.00 per form	\$15.00

**City Clerk
Revenues from fees**

	Actual FY 17	Actual FY 18	Actual FY 19	Actual FY 20	Budget FY 21
Other Fees	\$12,834	\$15,221	\$16,897	\$16,566	\$12,000
Other Licenses	\$25,072	\$22,651	\$22,500	\$7,535	\$26,000
Total City Clerk Revenue from Fees	\$37,906	\$37,872	\$39,397	\$24,101	\$38,000

License	FY 19 Issued	FY 20 Issued	FY 19 Revenue	FY 20 Revenue
Change Location of Licensed Business	0	0	\$0	\$0
Licenses-Gen. Provisions-Transfer	0	0	\$0	\$0
Billiards and Bowling	5	3	\$1,125	\$275
Model Slot Car Racing	0	0	\$0	\$0
Coin Operated Amusement Devices	8	3	\$4,400	\$1,275
Boxing and Wrestling	0	0	\$0	\$0
Dancing	0	0	\$0	\$0
Circus				
Amusement Devices	0	0	\$0	\$0
Carnivals (For Operation)	0	0	\$0	\$0
Including Each Amusement Device	0	0	\$0	\$0
Fairs (For Operation)	0	0	\$0	\$0
Including Each Amusement Device	0	0	\$0	\$0
Temporary Structures	0	0	\$0	\$0
Theatricals, Parades, open Air Meetings	0	0	\$0	\$0
Hawkers and Peddlers	10	5	\$2,500	\$1,250
Pawn Brokers	2	3	\$100	\$150
Roller Skating Rinks	0	0	\$0	\$0
Magazine Subscription Solicitors	0	0	\$0	\$0
Sidewalk Obstructions	0	0	\$0	\$0
Obstruction (including Restaurant Table)	75	41	\$10,980	\$3,415
Other				
Notarization	332	279	\$1,660	\$1,395
Tag day, permits	25	6	\$500	\$120
Ward checklist	2	0	\$150	\$0
Ward checklist for individual wards	0	0	\$0	\$0
Event permit	29	8	\$1,450	\$400
Ordinance Books	0	0	\$0	\$0
Ordinance book supplements	0	0	\$0	\$0
Voter certification	7	4	\$35	\$20
Voter History Disk	7	13	\$875	\$1,625
Articles of agreement filing	4	4	\$20	\$20
Restricted Property Listing	0	0	\$0	\$0

**City of Portsmouth
Fee Schedule
Planning Department**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
PLANNING BOARD				
Preapplication review (site plan or subdivision)				
Preliminary conceptual consultation	FY 18	\$200.00	\$200.00	\$200.00
Design Review	FY 18	\$500.00	\$500.00	\$500.00
<u>SUBDIVISIONS</u>				
Subdivision application (residential)	FY 15	\$500.00	\$500.00	\$500.00
Plus Per Lot	FY 15	\$200.00	\$200.00	\$200.00
Subdivision application (non-residential)	FY 15	\$700.00	\$700.00	\$700.00
Plus Per Lot	FY 15	\$300.00	\$300.00	\$300.00
Subdivision Amendment				
Administrative Approval	FY 21	N/A	\$200.00	\$200.00
TAC or Planning Board Approval	FY 21	N/A	\$500.00	\$500.00
Lot Line Revision/Verification	FY 14	\$250.00	\$250.00	\$250.00
Lot Line Revision Amendment				
Administrative Approval	FY 21	N/A	\$100.00	\$100.00
TAC or Planning Board Approval	FY 21	N/A	\$150.00	\$150.00

**City of Portsmouth
Fee Schedule
Planning Department**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
MISCELLANEOUS				
Voluntary Lot Consolidation (Merger) - no subdivision	FY 10	\$175.00	\$175.00	\$175.00
Restoration of Involuntarily Merged Lots	FY18	\$250.00	\$250.00	\$250.00
Wetland Conditional Use Permit				
Area of disturbance in wetland or wetland buffer:				
-up to 250 sq ft	FY 17	\$100.00	\$100.00	\$100.00
-up to 1,000 sq ft	FY 15	\$500.00	\$500.00	\$500.00
-greater than 1,000 sq ft	FY 15	\$1,000.00	\$1,000.00	\$1,000.00
Non-Wetland Conditional Use Permit (e.g. Accessory Dwelling Units, Garden Cottages, Flexible Development, Drive-Through Facilities)	FY 18	\$200.00	\$200.00	\$200.00
PLANNING-BOARD OF ADJUSTMENT				
Residential application 1-2 dwelling units	FY 15	\$150.00	\$150.00	\$150.00
3-4 dwelling units	FY 15	\$250.00	\$250.00	\$250.00
5-and over	FY 15	\$250.00	\$250.00	\$250.00
For each unit over 4	FY 15	\$50.00	\$50.00	\$50.00
Total application fee shall not exceed (cap)	FY 15	\$3,000.00	\$3,000.00	\$3,000.00
Residential application-accessory structure only	FY 11	\$50.00	\$50.00	\$50.00
Non-residential applications	FY 12	\$300.00	\$300.00	\$300.00
In Addition:				
Per \$1,000 of valuation of new construction	Pre FY 02	\$5.00	\$5.00	\$5.00
Total application fee shall not exceed (cap)	FY 15	\$3,000.00	\$3,000.00	\$3,000.00
Signs	FY 13	\$200.00	\$200.00	\$200.00
Appeal of administrative decision	FY 17	\$50.00	\$50.00	\$50.00

**City of Portsmouth
Fee Schedule
Planning Department**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
PLANNING-SITE PLAN REVIEW				
All developments	FY 14	\$500.00	\$500.00	\$500.00
In Addition:				
Per \$1,000 of site costs and per 1,000 square feet of site development area	Pre FY 02	\$5.00	\$5.00	\$5.00
	FY 15	\$10.00	\$10.00	\$10.00
Total application fee shall not exceed (cap)	FY 08	\$15,000.00	\$15,000.00	\$15,000.00
Site plan amendment				
Administrative approval	FY 17	\$200.00	\$200.00	\$200.00
Administrative approval after work has been done	FY 17	\$500.00	\$500.00	\$500.00
TAC or Planning Board approval	FY 17	\$800.00	\$800.00	\$800.00
PLANNING-HISTORIC DISTRICT				
Work Session (prior to application for approval)	FY 17	\$200.00	\$200.00	\$200.00
Residential applications 1 dwelling unit	FY 15	\$100.00	\$100.00	\$100.00
2 dwelling units	FY 15	\$100.00	\$100.00	\$100.00
3 dwelling units	FY 15	\$250.00	\$250.00	\$250.00
4 and over dwelling units	FY 15	\$400.00	\$400.00	\$400.00
For each unit over 4	FY 15	\$100.00	\$100.00	\$100.00
Accessory structure, mechanical equipment or replacement of doors/windows only	FY 15	\$100.00	\$100.00	\$100.00
Non-residential applications	FY 15	\$500.00	\$500.00	\$500.00
In Addition:				
Per \$1,000 of valuation of new construction	Pre FY 02	\$5.00	\$5.00	\$5.00
Total application fee shall not exceed (cap)	FY 15	\$5,000.00	\$5,000.00	\$5,000.00
Non-residential applications-accessory structure, mechanical equipment or replacement of doors/windows only	FY 15	\$100.00	\$100.00	\$100.00

**City of Portsmouth
Fee Schedule
Planning Department**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
Amendment to Certificate of Approval				
Administrative approval	FY 17	\$100.00	\$100.00	\$100.00
Administrative approval after work has been done	FY 17	\$500.00	\$500.00	\$500.00
Commission approval	FY 17	\$800.00	\$800.00	\$800.00
Signs	FY 15	\$100.00	\$100.00	\$100.00
PLANNING DEPARTMENT - ZONING PERMITS				
Certificate of conformity	FY 17	\$50.00	\$50.00	\$50.00
Letter of interpretation	FY 17	\$100.00	\$100.00	\$100.00

PLANNING DEPARTMENT
Revenues from fees

	Actual FY 17	Actual FY 18	Actual FY 19	Actual FY 20	Budget FY 21
Planning Board	\$89,330	\$110,648	\$79,937	\$145,187	\$80,000
Board of Adjustments	\$53,930	\$40,175	\$37,909	\$34,081	\$45,000
Site Review	\$75,344	\$69,307	\$39,619	\$22,633	\$35,000
Total Planning Department	\$218,604	\$220,130	\$157,465	\$201,901	\$160,000

The Planning Department reported the following application numbers:

	FY 17	FY 18	FY 19	FY 20
Site Plan Review	64	26	17	21
Subdivision/Lot Line revisions	16	15	14	16
Wetland Conditional Use	27	20	30	19
Non-Wetland Conditional Use	23	14	19	13
HDC	168	222	184	198
Preliminary Conceptual Consultation	6	4	7	11
Design Review	6	2	1	6
Board of Adjustment		105	95	80

**City of Portsmouth
Fee Schedule
Inspection Department**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
<u>Chapter 8: Article I Section 106 A</u>				
Street Obstructions (thirty working days or less)				
Please see Public Works for more than 30 working days fee				
Initial	FY 11	\$50.00	\$50.00	\$50.00

BUILDING PERMIT FEES:

Chapter 12: Part I Section 108.2

International Building Code-

and

Chapter 12: Part II Section R108.2

International Residential Code-

Note: All Construction Permit Fees rounded up to the nearest \$5.00

Minimum Fee-Residential	FY 07	\$50.00	\$50.00	\$50.00
Special Inspection Fee	FY 07	\$60.00	\$60.00 Per Hour	\$60.00
Emergency Inspection Fee	FY 07	\$60.00	\$60.00 Per Hour	\$60.00
Minimum Fee-Commercial	FY 16	\$100.00	\$100.00	\$100.00
Flat Rate Permits	FY 06	\$35.00	\$35.00	\$35.00
<u>Flat Rate Permits: Includes: siding, replacement windows, pools, sheds, buried tanks, pad mounted generators, temporary structures, change-in-occupancy with no construction.</u>				
Demolition Permits	FY 06	\$50.00	\$50.00 For structures up to 2,000 SF floor area	\$50.00
	FY 04	\$10.00	\$10.00 per \$1,000 of demolition cost for structures over 2,000sf	\$10.00

**City of Portsmouth
Fee Schedule
Inspection Department**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
General Renovations				
Residential Rates,	FY 04	\$7.00	\$7.00 per \$1,000 of renovation cost	\$7.00
New Construction, Renovation/Remodel and Additions				
Commercial Rates	FY 04	\$10.00	\$10.00 per \$1,000 of renovation cost	\$10.00
Sign Permits-Minimum Fee	FY 04	\$50.00	\$50.00	\$50.00
Special Event Sign	FY 07	\$35.00	\$35.00 per single event	\$35.00
Fee per sq ft of sign area (Permanent or Temporary)	FY 04	\$1.00	\$1.00	\$1.00
 Chapter 12: Part I Section 109.7				
International Building Code-				
	and			
Chapter 12: Part II Section R109.5				
International Residential Code-				
Reinspection Fee	FY 07	\$100.00	\$100.00 Per Reinspection	\$100.00

**City of Portsmouth
Fee Schedule
Inspection Department**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
<u>Chapter 12: Part I Section 108.4</u> International Building Code-				
and				
<u>Chapter 12: Part II Section R108.7</u> International Residential Code-				
Fee for Nonpermitted Work				
Any person who is found to have demolished, constructed, altered, removed, or changed the use of a building or structure without the benefit of a building, electrical, plumbing, mechanical, or change in use permit shall, upon issuance of said permit(s), be assessed a charge of (1) 200% of regular permit fee or(2) \$300.00 whichever is greater. If the regular permit fee is over(3) \$300.00 , the permit fee shall be the regular fee plus(4) \$300.00 .				
	FY 04	(1) 200%	(1) 200%	(1) 200%
	FY 07	(2) \$300	(2) \$300	(2) \$300
	FY 07	(3) \$300	(3) \$300	(3) \$300
	FY 07	(4) \$300	(4) \$300	(4) \$300
<u>Chapter 12: Part I Section 110.6</u> International Building Code-				
and				
<u>Chapter 12: Part II Section R110.6</u> International Residential Code-				
Fee for Certificate of Use and Occupancy	FY 07	\$100.00	\$100.00	\$100.00

**City of Portsmouth
Fee Schedule
Inspection Department**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
<u>Chapter 12: Part I Section 106.3.6</u>				
International Building Code-				
Outside Plan Review Services (adjustment to permit) (for all applicable building permits meaning building,electric, plumbing, mechanical or fire protection permits)	FY 14	-20%	-20%	-20%

ELECTRICAL FEES:

Chapter 12: Part I Section 108.2

International Building Code-

and

Chapter 12: Part II Section R108.2

International Residential Code-

Plan Review Fee	FY 04	\$50.00	\$50.00	\$50.00
Special Inspection Fee	FY 07	\$60.00	\$60.00 Per Hour	\$60.00
Emergency Inspection Fee	FY 07	\$60.00	\$60.00 Per Hour	\$60.00
Reinspection fees	FY 07	\$100.00	\$100.00 Each additional inspection after the sec for the same item(s)	\$100.00
Minimum Electric Permit Fee	FY 07	\$50.00	\$50.00	\$50.00
Residential-Service Equipment				
Single Phase	FY 18	\$50.00	\$50.00 up to & including 100 Amps.	\$50.00
Single Phase	FY 18	\$75.00	\$75.00 101 to 200 Amps.	\$75.00
Single Phase	FY 18	\$150.00	\$150.00 201 to 400 Amps.	\$150.00
Single Phase	FY 07		Meters (each)	
Lighting Fixtures, Power Utilization Equipment & Outlets				
	FY 04	\$1.00	\$1.00 Each Device	\$1.00

**City of Portsmouth
Fee Schedule
Inspection Department**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
Pad Mounted Generators:				
12 KW or less	FY 12	\$75.00	\$75.00	\$75.00
13 KW to 20 KW	FY 12	\$125.00	\$125.00	\$125.00
21 KW and above	FY 12	\$175.00	\$175.00	\$175.00
Manual Gen. set transfer	FY 12	\$10.00	\$10.00	\$10.00
Automatic Gen. set transfer	FY 12	\$25.00	\$25.00	\$25.00
All fees shall be rounded up to the nearest				
\$5.00 with a minimum fee of \$50.00. (Commercial)	FY 04	\$50.00	\$50.00	\$50.00
Commercial-Contract Cost Fee Method				
First \$5000.00 of electrical construction cost from				
\$0.01 to \$5,000.00	FY 04	\$25.00	\$25.00	Rate per Thousand Dollars of Contract Cost \$25.00
Next \$5000.00 of electrical construction cost from				
\$5,000.01 to \$10,000.00	FY 04	\$20.00	\$20.00	Rate per Thousand Dollars of Contract Cost \$20.00
Next \$5000.00 of electrical construction cost from				
\$10,000.01 to \$15,000.00	FY 04	\$15.00	\$15.00	Rate per Thousand Dollars of Contract Cost \$15.00
Each \$1000.00 of electrical construction cost from				
\$15,000.01 & over	FY 07	\$10.00	\$10.00	Rate per Thousand Dollars of Contract Cost \$10.00
 Chapter 12: Part I Section 109.7				
International Building Code-				
and				
Chapter 12: Part II Section R109.5				
International Residential Code-				
 Reinspection fees				
If, upon being called for any inspection, the work is not in compliance with this Code, verbal notice will be given as to the deficiencies and such deficiencies shall be noted on the code official's report. The permit holder shall be responsible for correcting the item(s) and for notifying the code official to reinspect said deficiencies. If when called to reinspect these deficiencies, all is correct, no further action will be taken. However, if during the first reinspection, the work in question has not been corrected, there will be a \$100.00 reinspection fee assessed, which must be paid at the Inspection Office before a third inspection will be made. For each subsequent reinspection of the same deficiency or deficiencies, a like procedure and fee shall be assessed.				
	FY 07	\$100.00	\$100.00	\$100.00

**City of Portsmouth
Fee Schedule
Inspection Department**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
Chapter 14: Section 102A E				
Housing Code				
Certificate of Occupancy	Pre FY 02	\$1.00	\$1.00 Per Building (Good for 3 years)	\$1.00
<div style="border: 1px solid black; padding: 2px; width: fit-content;"> City does not currently collect fee or issue certificate </div>				

PLUMBING/MECHANICAL PERMIT FEES:

**Chapter 15, Part I of II: Section 106.6.2
International Plumbing Code &
Chapter 15, Part II of II: Section 106.5.2
International Mechanics Code**

Residential rate:				
Fee per fixture (plumbing or gas)	Pre FY 02	\$5.00	\$5.00 Each	\$5.00
Water distribution piping (per dwelling)	FY 07	\$30.00	\$30.00 Each	\$30.00
Waste and vent piping (per dwelling)	FY 07	\$30.00	\$30.00 Each	\$30.00
Septic System (per dwelling)	FY 07	\$30.00	\$30.00 Each	\$30.00
Gas distribution piping (per gas meter)	FY 07	\$30.00	\$30.00 Each	\$30.00
Heating & Cooling Equipment: (Boiler, Furnace, Airhandlers, Unit Heaters, Condenser, Gas Logs, Fireplace Inserts, Solid Fuel Stoves, etc...)	FY 10	\$20.00	\$20.00 per Mechanical Equipment	\$20.00
Gas Appliance: (Cloths Dryers, Range/Oven Water Heater, etc....)	FY 10	\$5.00	\$5.00 per Gas Appliance	\$5.00
Air Distribution System:	FY 10	\$5.00	\$5.00 per Register	\$5.00
Minimum Permit Fee	FY 07	\$50.00	\$50.00	\$50.00

**City of Portsmouth
Fee Schedule
Inspection Department**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>		<u>Suggested FY 2022 Schedule</u>
Commercial rate:					
Required Plan Review Fee	FY 04	\$50.00	\$50.00	Plumbing	\$50.00
(Per contractor and for each revision of plans)	FY 04	\$50.00	\$50.00	Mechanical	\$50.00
Minimum Permit Fee:	FY 04	\$50.00	\$50.00		\$50.00
Commercial-Contract Cost Fee Method					
First \$5000.00 of electrical construction cost from					
\$0.01 to \$5,000.00	FY 07	\$25.00	\$25.00	Rate per Thousand Dollars of Contract	\$25.00
Next \$5000.00 of electrical construction cost from					
\$5,000.01 to \$10,000.00	FY 07	\$20.00	\$20.00	Rate per Thousand Dollars of Contract	\$20.00
Next \$5000.00 of electrical construction cost from					
\$10,000.01 to \$15,000.00	FY 07	\$15.00	\$15.00	Rate per Thousand Dollars of Contract	\$15.00
Each \$1000.00 of electrical construction cost from					
\$15,000.01 & over	FY 07	\$10.00	\$10.00	Rate per Thousand Dollars of Contract	\$10.00
Commercial Range & Duct Extinguishing System:					
Base Permit Fee (Per System):	FY 06	\$150.00	\$150.00		\$150.00
At time of first inspection, if system(s) are not ready for testing within 1/2 hour from time of Inspectors arrival, or if system fails the inspection, a reinspection shall be scheduled after paying a \$150 fee. This procedure and fee shall be repeated for each failed inspection or incomplete system visit.					
	FY 13	\$300.00	\$300.00		\$300.00
Special Inspection Fee	FY 07	\$60.00	\$60.00	Per hour	\$60.00
Emergency Inspection Fee	FY 07	\$60.00	\$60.00	Per Hour	\$60.00

**City of Portsmouth
Fee Schedule
Inspection Department**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
<u>Chapter 15, Part I of II: Section 107.1.2.4</u>				
International Plumbing Code				
Reinspection Fee	FY 07	\$100.00	\$100.00	\$100.00

<u>Chapter 15, Part II of II: Section 107.6</u>				
International Mechanics Code				
Reinspection Fee	FY 07	\$100.00	\$100.00	\$100.00

Chapter 15, Part I of II: Section 108.8
International Plumbing Code

Work Commencing Before Permit Issuance

Any person who is found to have done plumbing work without the proper permits shall, upon issuance of said permit(s), be assessed a charge of (1) **200%** of the regular permit fee or (2) **\$300.00** whichever is greater. If the regular permit fee is over (3) **\$300.00**, the permit fee shall be the regular fee plus (4) **\$300.00**

	FY 04	(1) 200%	(1) 200%	(1) 200%
	FY 07	(2) \$300	(2) \$300	(2) \$300
	FY 07	(3) \$300	(3) \$300	(3) \$300
	FY 07	(4) \$300	(4) \$300	(4) \$300

Commencing work before permit issuance

Any person who is found to have done mechanical work without the proper permits shall, upon issuance of said permit(s), be assessed a charge of (1) **200%** of the regular permit fee or (2) **\$300.00** whichever is greater. If the regular permit fee is over (3) **\$300.00**, the permit fee shall be the regular fee plus (4) **\$300.00**

	FY 04	(1) 200%	(1) 200%	(1) 200%
	FY 07	(2) \$300	(2) \$300	(2) \$300
	FY 07	(3) \$300	(3) \$300	(3) \$300
	FY 07	(4) \$300	(4) \$300	(4) \$300

**INSPECTION DEPARTMENT
Revenues from fees**

	Actual FY 17	Actual FY 18	Actual FY 19	Actual FY 20	Budget FY 21
Total Inspection Department	\$1,027,194	\$1,055,703	\$1,607,252	\$1,114,996	\$895,000
	FY 17	FY 18	FY 19	FY 20	
Permits					
Residential	1,876	1525	1896	1679	
Commercial	1,247	344	977	955	
Value	\$211,585,486	\$104,938,106	\$157,936,179	\$134,866,113	
Inspections	2,480	2683	6672	6292	

**City of Portsmouth
Fee Schedule
Police Department**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>		<u>Suggested FY 2022 Schedule</u>
<u>Chapter 5: Article VIII Section 802</u>					
Alarm Systems Service Charge					
<u>Police-Unfounded Emergency calls</u>	<u>Pre FY 02</u>	<u>No Charge</u>	<u>No Charge</u>	<u>0-3 Occurrences per calendar year</u>	<u>No Charge</u>
<u>Police-Unfounded Emergency calls</u>	<u>FY 08</u>	<u>\$75.00</u>	<u>\$75.00</u>	<u>4th Occurrence per calendar year</u>	<u>\$75.00</u>
<u>Police-Unfounded Emergency calls</u>	<u>FY 08</u>	<u>\$75.00</u>	<u>\$75.00</u>	<u>5th Occurrence per calendar year</u>	<u>\$75.00</u>
<u>Police-Unfounded Emergency calls</u>	<u>FY 08</u>	<u>\$75.00</u>	<u>\$75.00</u>	<u>6th Occurrence per calendar year</u>	<u>\$75.00</u>
<u>Police-Unfounded Emergency calls</u>	<u>FY 08</u>	<u>\$100.00</u>	<u>\$100.00</u>	<u>7th Occurrence per calendar year</u>	<u>\$100.00</u>
<u>Police-Unfounded Emergency calls</u>	<u>FY 10</u>	<u>\$150.00</u>	<u>\$150.00</u>	<u>8th Occurrence per calendar year</u>	<u>\$150.00</u>
<u>Police-Unfounded Emergency calls</u>	<u>FY 10</u>	<u>\$200.00</u>	<u>\$200.00</u>	<u>9th Occurrence per calendar year</u>	<u>\$200.00</u>
<u>Police-Unfounded Emergency calls</u>	<u>FY 08</u>	<u>\$300.00</u>	<u>\$300.00</u>	<u>10th-15th Occurrences per calendar year</u>	<u>\$300.00</u>
<u>Police-Unfounded Emergency calls</u>	<u>FY 09</u>	<u>\$400.00</u>	<u>\$400.00</u>	<u>16th-20th Occurrences per calendar year</u>	<u>\$400.00</u>
<u>Police-Unfounded Emergency calls</u>	<u>FY 10</u>	<u>\$500.00</u>	<u>\$500.00</u>	<u>21th-25th Occurrences per calendar year</u>	<u>\$500.00</u>
<u>Police-Unfounded Emergency calls</u>	<u>FY 10</u>	<u>\$1,000.00</u>	<u>\$1,000.00</u>	<u>Each Occurrences 26 or over per calendar year</u>	<u>\$1,000.00</u>

Chapter 7: Article V Section 504

Bicycles

<u>License</u>	<u>Pre FY 02</u>	<u>No Charge</u>	<u>No Charge</u>		<u>No Charge</u>
<u>U-Visa research</u>	<u>FY 13</u>	<u>\$150.00</u>	<u>\$150.00</u>		<u>\$150.00</u>

POLICE DEPARTMENT
Revenues from fees

	Actual FY 17	Actual FY 18	Actual FY 19	Actual FY 20	Budget FY 21
Police Alarms	\$30,100	\$31,925	\$37,125	\$19,050	\$30,000
Alarm Systems Service Charge					
Police-Unfounded Emergency calls	FY 17	FY 18	FY 19	FY 20	
0-3 Occurrences per calendar year	765	688	708	660	
4th Occurrence per calendar year	91	92	76	75	
5th Occurrence per calendar year	60	62	53	51	
6th Occurrence per calendar year	39	40	35	40	
7th Occurrence per calendar year	29	28	23	28	
8th Occurrence per calendar year	21	19	17	19	
9th Occurrence per calendar year	18	10	9	17	
10th-15th Occurrences per calendar year	29	30	23	22	
16th-20th Occurrences per calendar year	0	2	7	8	
21th-25th Occurrences per calendar year	0	0	0	0	
Each Occurrences 26 or over per calendar year	0	0	0	0	
Total Calls	1052	971	951	920	

**City of Portsmouth
Fee Schedule
Fire Department**

*** (Indicates change from current fee)**

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
<u>Chapter 5: Article IX Section F403.2</u>				
Copy of incident report	Pre FY 02	\$10.00	\$10.00	\$10.00
Environmental Reports and Research	FY 06	\$25.00	\$25.00	\$25.00

INSPECTION FEES

PLACE OF ASSEMBLY

An occupancy used for a gathering of 50 or more persons for deliberation, worship, entertainment, eating, drinking, amusement, awaiting transportation, or similar uses; or used as a special amusement building, regardless of occupant load.

Establishments with an occupancy of less than 50 persons with an on-premise liquor license are required by the State Liquor Commission to have a valid Permit to Operate a Place of Assembly.

Full Place of Assembly inspections are performed annually in conjunction with the issuance of the Permit to Operate a Place of Assembly.

Occupancy Less than 50	FY 20	\$50.00	\$50.00	Annually	\$50.00
Occupancy 51 to 100	FY 20	\$100.00	\$100.00	Annually	\$100.00
Occupancy 101 to 300	FY 20	\$200.00	\$200.00	Annually	\$200.00
Occupancy 301 to 1000	FY 20	\$300.00	\$300.00	Annually	\$300.00
Occupancy 1001 and above	FY 20	\$500.00	\$500.00	Annually	\$500.00

**City of Portsmouth
Fee Schedule
Fire Department**

*** (Indicates change from current fee)**

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
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DAYCARE

An occupancy in which four or more clients receive care, maintenance, and supervision, by other than their relatives or legal guardians, for less than 24 hours per day. Excludes Family Daycares.

Daycare Center:

(12 plus or 5 plus under 2 years old)	FY 20	\$100.00	\$100.00	Every 3 years in conjunction with State licensing	\$100.00
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APARTMENTS

A building or portion thereof containing three or more dwelling units with independent cooking and bathroom facilities.

APARTMENT BUILDING	FY 20	\$100.00	\$100.00	Every three years	\$100.00
per dwelling unit	FY 20	\$5.00	\$100.00	Every three years	\$100.00

HOTEL

A building or groups of buildings under the same management in which there are sleeping accommodations for more than 16 persons and primarily used by transients for lodging with or without meals.

HOTEL	FY 20	\$100.00	\$100.00	Annually	\$100.00
per room	FY 20	\$2.50	\$2.50	Annually	\$2.50

**City of Portsmouth
Fee Schedule
Fire Department**

*** (Indicates change from current fee)**

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
ROOMING HOUSE				
Buildings that provide sleeping accommodations for 16 or fewer persons on either a transient or permanent basis, with or without meals, but without separate cooking facilities for individual occupants; excluding one- and two- family homes				
ROOMING HOUSE	FY 20	\$100.00	\$100.00 Annually	\$100.00
EDUCATIONAL				
Buildings used for educational purposes through the twelfth grade by six or more persons for 4 or more hours per day or more than 12 hours per week.				
Educational	FY 20	\$100.00	\$100.00 Annually	\$100.00
STATE REQUIRED DWELLING UNIT				
Residential Placements, Foster Care, Adoptions, Family Daycares,				
STATE REQUIRED DWELLING UNIT INSPECTIONS	FY 20	\$30.00	\$30.00 Every three years in conjunction with State Licensing	\$30.00
HEALTH FACILITIES				
Inspections required for the licensing of healthcare facilities by NH DHHS				
HEALTH FACILITIES per bed	FY 20	\$100.00	\$100.00 Inspections related to State licensing	\$100.00
	FY 20	\$2.50	\$2.50	\$2.50

**City of Portsmouth
Fee Schedule
Fire Department**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
RE-INSPECTION				
Fire Alarm and Sprinkler Suppression System, Place of Assembly, Daycare, Apartment Building, Hotel, Rooming House, Educational, State Required Dwelling Unit, and Health Facilities.				
First Occurrence	FY 20	\$300.00	\$300.00	\$300.00
Second Occurrence	FY 20	\$400.00	\$400.00	\$400.00
Third and Additional Occurrences	FY 20	\$500.00	\$500.00	\$500.00
Fire Sprinkler Systems	FY 20	\$50.00	\$50.00 per application	\$50.00
	FY 20	\$0.05	\$0.05 per sq. ft. of protected area	\$0.05
Fire Alarm Systems:	FY 20	\$50.00	\$50.00 per application	\$50.00
	FY 20	\$0.05	\$0.05 per sq. ft. of protected area	\$0.05
Hot Work Permit-1 day	FY 22	N/A	N/A	* \$50.00
Hot Work Permit-per week	FY 22	N/A	N/A	* \$100.00
Chapter 5: Article VIII Section 802				
Alarm Systems Service Charge				
Fire-Unfounded Emergency calls	FY 20	\$300.00	\$300.00 Malicious	\$300.00
Fire-Unfounded Emergency calls	FY 20	No Charge	No Charge 0-3 Occurrences per calendar year	No Charge
Fire-Unfounded Emergency calls	FY 20	\$200.00	\$200.00 4th Occurrence per calendar year	\$200.00
Fire-Unfounded Emergency calls	FY 20	\$200.00	\$200.00 5th Occurrence per calendar year	\$200.00
Fire-Unfounded Emergency calls	FY 20	\$200.00	\$200.00 6th Occurrence per calendar year	\$200.00
Fire-Unfounded Emergency calls	FY 20	\$300.00	\$300.00 Each Occurrences 7 or over per calendar year	\$300.00

**FIRE DEPARTMENT
Revenues from fees**

	Actual FY 17	Actual FY 18	Actual FY 19	Actual FY 20	Budget FY 21
Fire Misc Fees	\$1,290	\$1,640	\$1,485	\$795	\$1,500
Fire Inspections	N/A	N/A	N/A	\$121,503	\$95,000
Total Fire Department	\$1,290	\$1,640	\$1,485	\$122,298	\$96,500

Fire Stats	FY 17	FY 18	FY 19	FY 20
Environmental reports	16	25	14	19

**City of Portsmouth
Fee Schedule
Public Works**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
	UPDATE			
Memorial Bridge Lighting Request (Available to Non-Profits only)	FY 20	\$50.00	\$50.00	Application/Permit Fee \$50.00
City Council Policy 2018-02 Encumbrance of City Property (31 working days or more) Any City land that includes unmetered parking spaces, travel ways, loading zones and sidewalks	FY 19	\$0.05	\$0.05	per square foot per day \$0.05
(Above Fee will be doubled if the encumbrance period extends beyond its term)				
(Metered parking spaces having their own fee- please see Parking Fees-Temporary Meter Parking Space Permit)				
Any other City land/right of way not included above	FY 19	\$400.00	\$400.00	per each 400 square feet for 1st 30 days \$400.00
	FY 19	\$200.00	\$200.00	each additional 30 day period \$200.00
Blasting Permit	FY 18	\$100.00	\$100.00	\$100.00
	2 permits in FY 19			
New Driveway Permit	FY 18	\$50.00	\$50.00	\$50.00
	15 permits in FY 19			

**City of Portsmouth
Fee Schedule
Public Works**

*** (Indicates change from current fee)**

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>		<u>Suggested FY 2022 Schedule</u>
UPDATE					
Excavation Permit	FY21	\$200.00	\$250.00	1st 100 sf.	\$250.00
	93 permits in FY 19				
	FY21	\$400.00	\$500.00	Expedited Permit (within 3 business days)	\$500.00
30 permits in FY 19					
Flagging Permit	FY21	\$100.00	\$150.00	each additional 100 sf.	\$150.00
	FY 14	\$25.00	\$25.00		\$25.00
	192 permits in FY 19				
	FY 17	\$50.00	\$50.00	Expedited Permit (within 3 business days)	\$50.00
79 permits in FY 19					
Roadway & Utility Excavation Contractor Permit					
Electric/Lighting/Signal					
Gas/Telephone/Cable					
Road/Sidewalk					
	FY22	N/A	N/A	Initial Certification	* \$50.00
	FY22	N/A	N/A	Annual Fee: Certification Renewal	* \$25.00
	FY22	N/A	N/A	Annual Fee; Additional Certifications	* \$25.00
	FY22	N/A	N/A	Recertification following Suspension	* \$500.00
Rental Fees-Note: The following rental fees will be waived for Portsmouth based Non-Profits					
Cone	FY 15	\$1.50	\$1.50	ea/ per event	* Delete
Trash/Recycling Receptacle	FY 15	\$2.00	\$2.00	ea/ per event	* Delete
Wood Barricade	FY 15	\$2.00	\$2.00	ea/ per event	* Delete
Metal Barricade	FY 15	\$4.00	\$4.00	ea/ per event	* Delete
Sign	FY 15	\$5.00	\$5.00	ea/ per event	* Delete

**City of Portsmouth
Fee Schedule
Public Works**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
UPDATE				
Maps				
Copy of existing map: 8 1/2 x 11 (B & W)	FY 06	\$0.50	\$0.50	Each Print \$0.50
11 x 17 (B & W)	PRE FY 02	\$0.50	\$0.50	Each Print \$0.50
22 x 34 (B & W)	FY 09	\$10.00	\$10.00	Each Print \$10.00
24 x 36 (B & W)	FY 09	\$10.00	\$10.00	Each Print \$10.00
44 x 34 (B & W)	FY 09	\$20.00	\$20.00	Each Print \$20.00
Plot existing maps: 8 1/2 x 11	FY 06	\$5.00	\$5.00	Each Print \$5.00
11 x 17	FY 06	\$5.00	\$5.00	Each Print \$5.00
22 x 34	PRE FY 02	\$10.00	\$10.00	Each Print \$10.00
24 x 36	PRE FY 02	\$10.00	\$10.00	Each Print \$10.00
44 x 34	PRE FY 02	\$20.00	\$20.00	Each Print \$20.00
Utility/Geodetic Control Map-				
for individual property 8 1/2 x 11 (Color)	FY 09	\$0.00	\$0.00	\$0.00
by Email	FY 09	\$0.00	\$0.00	\$0.00
on Cd	FY 09	\$10.00	\$10.00	\$10.00
Maps in PDF format: Tax Map CD	FY 09	\$10.00	\$10.00	\$10.00
Standard GIS and CAD Data DVD:	FY 09	\$50.00	\$50.00	\$50.00
Custom Disk of Historical Data (CD or DVD)	FY 09	\$100.00	\$100.00	\$100.00

**City of Portsmouth
Fee Schedule
Public Works**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>		<u>Suggested FY 2022 Schedule</u>
	UPDATE				
Disposal of Tires	FY 04	\$5.00	\$5.00	per tire	\$5.00
	464 occurrences in FY 19				
Disposal of Electronics	FY 15	\$10.00	\$10.00	per unit	\$10.00
	1,030 occurrences in FY 19				
CFC Removal	FY 17	\$20.00	\$20.00	per unit	\$20.00
	845 occurrences in FY 19				
Propane Tanks (20# & larger)	FY 18	\$5.00	\$5.00	per tank	\$5.00
	154 occurrences in FY 19				
Yard Waste Disposal (contractors)	FY21	\$25.00	\$50.00		\$50.00
	307 occurrences in FY 19				
Bulky Waste Pick-Up	FY 21	N/A	\$5.00	each event	\$5.00
Disposal of following whether pick-up or drop-off:					
Upholstered Furniture (Chairs, Couches, Sleep Sofa,					
 Loveseats)					
	FY 21	N/A	\$5.00	each	\$5.00
Clothes Washer	FY 21	N/A	\$5.00	each	\$5.00
Clothes Dryer	FY 21	N/A	\$5.00	each	\$5.00
Mattresses	FY 21	N/A	\$5.00	each	\$5.00
Box Springs	FY 21	N/A	\$5.00	each	\$5.00
Dishwasher	FY 21	N/A	\$5.00	each	\$5.00
Cooking Range	FY 21	N/A	\$10.00	each	\$10.00
Refrigerators	FY 21	N/A	\$20.00	each	\$20.00

PUBLIC WORKS DEPARTMENT	Actual	Actual	Actual	Actual	Budget
Revenues from fees	FY 17	FY 18	FY 19	FY 20	FY 21
Excavation Permit	\$36,625	\$46,440	\$55,960	\$48,347	\$50,000
Flagging Permit	\$11,991	\$9,170	\$5,625	\$6,300	\$9,000
Solid Waste	\$51,775	\$61,566	\$60,554	\$56,517	\$50,000
Blasting Permit	N/A	N/A	\$200	\$100	\$100
New Driveway Permit	N/A	N/A	\$950	\$650	\$3,000
Total Public Works Department	\$100,391	\$117,176	\$123,289	\$111,914	\$112,100

**City of Portsmouth
Fee Schedule
Recreation**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
RECREATION-SPINNAKER PT.				
Adult Resident	FY 14	\$216.00	\$216.00	per year
Senior Citizen Resident	FY 14	\$108.00	\$108.00	per year
Adult Non-Resident	FY 14	\$432.00	\$432.00	per year
Senior Citizen Non-Resident	FY 14	\$216.00	\$216.00	per year
Daily Guest Fee Resident	PRE FY 02	\$5.00	\$5.00	per day
Daily Guest Fee Non-Resident	FY 12	\$10.00	\$10.00	per day

Calendar Year Information:			
	2017	2018	2019
	Members	Members	Members
Adult	638	623	577
Sr. Citizen	632	665	758
Other	184	161	215

RECREATION-INDOOR POOL

Per the "Consolidation Lease and Operations Agreement to Maintain the Portsmouth Public Pool"

Article III Section 3.2

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.

5 & Under, Resident	FY 11	\$3.00	\$3.00	per session
5 & Under, Non-Resident	FY 11	\$5.00	\$5.00	per session
5 & Under, Resident/Membership	FY 11	\$180.00	\$180.00	per year
5 & Under, Non-Resident/Membership	FY 11	\$240.00	\$240.00	per year

**City of Portsmouth
Fee Schedule
Recreation**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>		<u>Suggested FY 2022 Schedule</u>
6-17, Resident	FY 11	\$5.00	\$5.00	per session	\$5.00
6-17, Non-Resident	PRE FY 02	\$10.00	\$10.00	per session	\$10.00
6-17, Resident/Membership	FY 11	\$180.00	\$180.00	per year	\$180.00
6-17, Non-Resident/Membership	FY 11	\$240.00	\$240.00	per year	\$240.00
18-59, Resident	FY 11	\$5.00	\$5.00	per session	\$5.00
18-59, Non-Resident	FY 11	\$10.00	\$10.00	per session	\$10.00
18-59, Resident/Membership	FY 11	\$300.00	\$300.00	per year	\$300.00
18-59, Non-Resident/Membership	FY 11	\$540.00	\$540.00	per year	\$540.00
Senior Citizen, Resident	FY 11	\$3.00	\$3.00	per session	\$3.00
Senior Citizen, Non-Resident	FY 11	\$5.00	\$5.00	per session	\$5.00
Senior Citizen, Resident/Membership	FY 11	\$240.00	\$240.00	per year	\$240.00
Senior Citizen, Non-Resident/Membership	FY 11	\$300.00	\$300.00	per year	\$300.00
First Adult, Resident/Family Rate	FY 11	\$300.00	\$300.00	per year	\$300.00
First Adult, Non-Resident/Family Rate	FY 11	\$540.00	\$540.00	per year	\$540.00
Second Adult, Resident/Family Rate	FY 11	\$180.00	\$180.00	per year	\$180.00
Second Adult, Non-Resident/Family Rate	FY 11	\$300.00	\$300.00	per year	\$300.00
Maximum Per Family, Resident/Family Rate	FY 11	\$720.00	\$720.00	per year	\$720.00
Maximum Per Family, Non-Resident/Family Rate	FY 11	\$720.00	\$720.00	per year	\$720.00
Swimming Lessons (rates based on a 8 lesson Session)					
Resident Member	FY 11	\$30.00	\$30.00		\$30.00
Resident Non-Member	FY 11	\$45.00	\$45.00		\$45.00
Non-Resident Member	FY 11	\$65.00	\$65.00		\$65.00
Non-Resident Non-Member	FY 11	\$100.00	\$100.00		\$100.00
Pool Rental	FY 11	\$150.00	\$150.00	per hour	\$150.00
per staff	FY 09	\$40.00	\$40.00		\$40.00
New Member Processing Fee	FY 11	\$25.00	\$25.00		\$25.00

**City of Portsmouth
Fee Schedule
Recreation**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>		<u>Suggested FY 2022 Schedule</u>
RECREATION-OUTDOOR POOL					
18 & Under, Resident	PRE FY 02	\$0.00	\$0.00	per day	\$0.00
18 & Under, Non-Resident	FY 12	\$2.00	\$2.00	per day	\$2.00
19 & Over, Resident	FY 12	\$2.00	\$2.00	per day	\$2.00
19 & Over, Non-Resident	FY 12	\$4.00	\$4.00	per day	\$4.00

RECREATION-MISCELLANEOUS

Field/Gym-Organized Teams(all inclusive)	FY 14	\$30.00	\$30.00	per team	* Delete
Practice-Field/Gym use (does not apply to local non-profits & youth sports leagues)	FY 12	\$20.00	\$20.00		* Delete
*Grass Field - (Game or Practice)	FY 22	N/A	N/A	per hour	* \$20.00
*Gym - (Game or Practice)	FY 22	N/A	N/A	per hour	* \$50.00
*Does not include local non-profits & youth sports leagues					
Co-sponsored (non-swim team) programs maintenance fee (placed in maintenance fund)	FY 06	\$200.00	\$200.00	per team	\$200.00
Non-Resident participants in co-sponsored (non-swim team) programs (placed in maintenance fund)	FY 06	\$20.00	\$20.00	per person per lane	* \$20.00
Turf Field - (Game or Practice)	FY 22	N/A	N/A	per hour	* \$75.00
*Does not include local non-profits & youth sports leagues					
Electrical Light Usage at Ballfields(does not apply to youth athletics)	FY 14	\$60.00	\$60.00	per use	\$60.00

**City of Portsmouth
Fee Schedule
Recreation**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>		<u>Suggested FY 2022 Schedule</u>
Room Rentals:	PRE FY 02	\$10.00	\$10.00		* Delete
Senior Activity Center Room #1	FY 22	N/A	N/A	per hour	* \$50.00
Senior Activity Center General (Rooms #4, #5, kitchen)	FY 22	N/A	N/A	per hour	* \$25.00
Senior Activity Center Assembly Hall	FY 22	N/A	N/A	per hour	* \$50.00
<hr/>					
Peirce Island Boat Launch:					
Boat Launch (Non-Resident)	FY 14	\$150.00	\$150.00	per season	\$150.00
Boat Launch (Non-Resident)	FY 14	\$20.00	\$20.00	per launch	\$20.00
Kayaks, non-motorized (Non-Resident)	FY 14	\$10.00	\$10.00	per launch	\$10.00
Kayaks, non-motorized (Non-Resident)	FY 14	\$75.00	\$75.00	per season	\$75.00
Commercial (Non-Resident)	FY 14	\$50.00	\$50.00	per launch	\$50.00
Commercial (Non-Resident)	FY 22	N/A	N/A	per season	* \$300.00

RECREATION DEPARTMENT
General Fund Revenues from fees

	Actual FY 17	Actual FY 18	Actual FY 19	Actual FY 20	Budget FY 21
Outdoor Pool	\$33,067	\$23,941	\$24,322	\$22,881	\$0
Spinnaker Point	\$240,141	\$227,948	\$241,703	\$198,000	\$120,000
Boat Ramp Fees	\$9,170	\$8,995	\$7,935	\$10,860	\$10,000
Total General Fund Recreation Fee Revenue	\$282,378	\$260,884	\$273,960	\$231,741	\$130,000
Special Revenue Fund Fee Revenue					
	Actual FY 17	Actual FY 18	Actual FY 19	Actual FY 20	
Indoor Pool	\$451,001	\$443,543	\$428,315	\$337,720	
Total Recreation Revenue from Fees	\$733,379	\$704,427	\$702,275	\$569,461	

City of Portsmouth
 Fee Schedule
 Health Department

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
HEALTH				
Class				
A4 Restaurants (400 + seating capacity)	FY21	\$500.00	\$650.00	Annually
A3 Restaurants (300-399 seating capacity)	FY21	\$450.00	\$600.00	Annually
A2 Restaurants (200-299 seating capacity)	FY21	\$400.00	\$550.00	Annually
A1 Restaurants (100-199 seating capacity)	FY21	\$350.00	\$450.00	Annually
B Restaurants (76-99 seating capacity)	FY21	\$300.00	\$350.00	Annually
C Restaurants (51-75 seating capacity)	FY21	\$240.00	\$300.00	Annually
D Restaurants (26-50 seating capacity)	FY21	\$180.00	\$275.00	Annually
E Restaurants (0-25 seating capacity)	FY21	\$125.00	\$200.00	Annually
E Bakeries	FY21	\$125.00	\$200.00	Annually
E Markets or stores with less than 2 food preparation areas selling prepared foods and inc. fish markets, seafood stores and fish processing facilities	FY21	\$125.00	\$200.00	Annually
E Catering	FY21	\$125.00	\$150.00	Annually
F Supermarkets	FY21	\$500.00	\$650.00	Annually
G Bed and Breakfast Operations	FY21	\$80.00	\$125.00	Annually
G Nursing Home (Food Service)	FY21	\$80.00	\$100.00	Annually
H Prepackaged Foods (movie theaters, gas stations, video, candy, department, drug stores)	FY21	\$50.00	\$100.00	Annually
M Mobile Food Operations	FY 12	\$200.00	\$200.00	Annually

**City of Portsmouth
Fee Schedule
Health Department**

* (Indicates change from current fee)

	<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
T	Temporary Food Permit (Portsmouth business with food service permit exempt)	FY 14	\$125.00	\$125.00	(up to two (2) weeks before the day of the event) \$125.00
		PRE FY 02	\$100.00	\$100.00	(additional thereafter) \$100.00
TT	Sampling for non potentially hazardous foods (14 days or less) (Portsmouth business with food service permit exempt)	FY 10	\$15.00	\$15.00	(up to four (4) weeks before the day of the event) \$15.00
		FY 10	\$40.00	\$40.00	(additional thereafter) \$40.00
V	Limited Events (1 to 4 events per year)	FY 14	\$150.00	\$150.00	\$150.00
W	Farmer's Market Permit (period 5/01/xx-11/01/xx)	FY 07	\$140.00	\$140.00	Annually \$140.00
X	No Fundraiser Fee for Health Department Permits: Religious Organizations Youth Groups Veteran Groups Disabled School Related organizations	FY 10	No Fee	No Fee	No Fee
	These organizations will need to obtain the appropriate Health Permit however there will be no fee associated with the permit.				
Y	Fundraiser Permit	FY 14	\$200.00	\$200.00	per event \$200.00
	Inspection Fees:				
	Family Day Care & Foster Care	FY 16	\$10.00	\$10.00	Every 3 years \$10.00
Z	Daycare with more than 100 children	FY 16	\$100.00	\$100.00	Every 3 years \$100.00
	Customer Appreciation Events	FY 18	\$75.00	\$75.00	\$75.00
AA	Dog Variance-Outdoor Dining Areas	FY 21	N/A	\$70.00	Annually \$70.00
AB	Temporary Event Coordinator Application	FY 21	N/A	\$100.00	per event \$100.00

**HEALTH DEPARTMENT
Revenues from fees**

	Actual FY 17	Actual FY 18	Actual FY 19	Actual FY 20	Budget FY 21
Health Permits	\$56,145	\$36,845	\$80,380	\$70,765	\$75,000

FY 20 Health Permits were as follows:

# of Permits	Fees Collected	
4	\$2,000.00	Restaurants (400 + seating capacity)
7	\$2,800.00	Restaurants (300-399 seating capacity)
17	\$6,800.00	Restaurants (200-299 seating capacity)
40	\$14,000.00	Restaurants (100-199 seating capacity)
19	\$5,700.00	Restaurants (76-99 seating capacity)
35	\$8,400.00	Restaurants (51-75 seating capacity)
25	\$4,500.00	Restaurants (26-50 seating capacity)
101	\$13,500.00	Restaurants (0-25 seating capacity)
3	\$375.00	Catering
6	\$3,000.00	Supermarkets
4	\$320.00	Bed and Breakfast Operations
13	\$650.00	Prepackaged Foods (movie theaters, gas stations, video, candy, department, drug stores)
13	\$2,600.00	Mobile Food Operations
43	\$5,375.00	Temporary Food Permit
0	\$0.00	Limited Events (1 to 4 events per year)
16	\$2,240.00	Farmer's Market Permit (period 5/01/xx-11/01/xx)
12	\$0.00	No Fundraiser Fee for Health Department Permits: Religious Organizations Youth Groups Veteran Groups Disabled School Related organizations These organizations will need to obtain the appropriate Health Permit however there will be no fee associated with the permit.

**City of Portsmouth
Fee Schedule
Parking / Transportation**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
Note: When using an EZ Park transponder or the smart phone ParkMobile App at a meter parking space, residence receive a \$0.50 hourly discount.				
Sign Permit-Private Parking Lot	FY 21	N/A	\$50.00 per intitial issue	\$50.00
Chapter 6: Article XIII Section 1307				
Vendor from Motor Vehicle				
Vendor From Motor Vehicle Permit April 15- November 15	FY 10	\$5,000.00	\$5,000.00 Minimum Bid	\$5,000.00
Motorcycle Parking Market Square on Pleasant St Summer season (April 1-November30) in designated Motorcycle spaces				
Residents	FY 21	N/A \$	1.00 reduction per Hour of post Hi-Occ rates	\$ 1.00
Non-Residents	FY 21	N/A \$	0.50 reduction per Hour of post Hi-Occ rates	\$ 0.50
Valet Parking				
Valet Station - from non High Occupancy Metered Parking Spaces	FY 20	\$20.00	\$20.00 space per day	\$20.00
Valet Station- from High Occupancy Metered Parking Spaces	FY 20	\$30.00	\$30.00 space per day	\$30.00
Valet - from Commercial Loading Zone	FY 19	\$675.00	\$675.00 annually	\$675.00
Valet Station parking spaces are only used when restaurant is open. Parking space may be used by public when not used by the valet service.				
Chapter 7: Article I Section 114A				
Construction Permit				
Temporary Metered Parking Space Permit	FY 18	\$35.00	\$35.00 Per Day	\$35.00
Temporary Metered Parking Space Permit	FY 18	\$50.00	\$50.00 High Occupancy Space Per Day	\$50.00

**City of Portsmouth
Fee Schedule
Parking / Transportation**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
Chapter 7: Article III Section 321G				
Snow Emergency-Parking Ban				
Resident Snow Ban Rate for Parking in High Hanover Parking Facility	FY 19	\$5.00	\$5.00 Per Snow Ban Event	\$5.00
Resident Snow Ban Rate for Parking in Foundry Place	FY 19	\$3.00	\$3.00 Per Snow Ban Event	\$3.00
Parking Facility				
Chapter 7: Article IV Section 402 C				
High Hanover Parking Garage				
Rates	FY21	\$1.75	\$2.00 Hourly Rate	\$2.00
	FY21		\$5.00 Resident-Sunday-Maximum	\$5.00
	FY 20	\$200.00	\$200.00 Monthly 24 hr-Resident Pass	\$200.00
	FY21	\$225.00	\$275.00 Monthly-24 hr-All other Passes	\$275.00
	FY 17	20 Hrs@ Hr rate	20 Hrs@ Hr rate Lost Ticket Fee/Max Daily rate	20 Hrs@ Hr rate
	FY 16	\$100.00	\$100.00 Garage Pass Deposit	\$100.00
	FY 08	\$15.00	\$15.00 Pass late Fee	\$15.00

**City of Portsmouth
Fee Schedule
Parking / Transportation**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
Chapter 7: Article IV Section 402 L				
Foundry Place Parking Garage				
Rates	FY 19	\$1.00	\$1.00	Hourly Rate
	FY 19	Free	Free	Resident-Sunday
	FY 19	\$100.00	\$100.00	Monthly 24 hr-Resident Pass
	FY 19	\$125.00	\$125.00	Monthly-24 hr-All other Passes
	FY 19	20 Hrs@ Hr rate	20 Hrs@ Hr rate	Lost Ticket Fee/Max Daily rate
	FY 19	\$100.00	\$100.00	Garage Pass Deposit
	FY 19	\$15.00	\$15.00	Pass Late Fee
	FY 19	\$5.00	\$5.00	Special Event Parking
	FY21	\$5.00	\$3.00	Special Event Parking
Downtown Employee HOURLY Parking Program:				
This program serves active individual employees of Downtown Portsmouth Business. Each employee holds his/her own account with the parking garage, and renews pre-purchased hours as needed.				
	FY 21	N/A	\$ 3.00	per use: Maximum allowable days: 20 10 Hour pass
				\$ 3.00
Electric Vehicle Charging				
Current Locations-City Hall, High Hanover Parking Garage and Foundry Place Parking Garage				
Note: If Parking in a Parking Facility regular Parking Fees will be charged in addition to charging station fees.				
	FY 20	\$1.25	\$1.25	hourly first 4 hours
	FY 20	\$3.00	\$3.00	hourly thereafter
Chapter 7: Article IV Section 408				
Boat launch				
Peirce Island Overnight Boat Launch Parking	FY 19	\$15.00	\$15.00	Nightly

**City of Portsmouth
Fee Schedule
Parking / Transportation**

*** (Indicates change from current fee)**

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
<u>Chapter 7: Article VI Section 604</u>				
Truck Loading/Unloading Zones				
Commercial Loading Zone Permit	FY 20	\$100.00	\$100.00 Annually	* \$250.00
<u>Chapter 7: Article IX Section 903</u>				
Summons Administration Fee				
Summons Administration Fee	FY 16	\$150.00	\$150.00	\$150.00
<u>Chapter 7: Article X Section 1004B</u>				
Towing				
Immobilization Administration Fee	FY 15	\$150.00	\$150.00	\$150.00
Residential Neighborhood Parking	N/A	TBD	TBD	TBD

PARKING / TRANSPORTATION DIVISION
Revenues from fees

	Actual FY 17	Actual FY 18	Actual FY 19	Actual FY 20	Budget FY 21
Construction Permit	\$143,966	\$116,845	\$123,090	\$127,850	\$46,591
Foundry Place Parking Garage Hourly	N/A	N/A	\$71,690	\$173,811	\$114,640
Foundry Place Parking Garage Passes	N/A	N/A	\$185,240	\$298,907	\$301,780
Hanover Parking Garage Hourly	\$2,489,012	\$2,398,497	\$2,321,821	\$1,885,976	\$1,458,701
Hanover Parking Garage Passes	\$1,196,823	\$1,422,440	\$1,564,885	\$1,506,888	\$1,337,700
Hanover Parking Garage Passes Reinstatement	\$3,870	\$4,980	\$4,445	\$2,345	\$900
Foundry Place Parking Garage Passes Reinstatement	N/A	N/A	\$2,070	\$1,500	\$700
Immobilization Admin Fee	\$18,920	\$17,240	\$7,350	\$150	\$6,144
Summons Admin Fee	\$350	\$275	\$225	\$50	\$250
Total Parking/Transportation Fee Revenue	\$3,829,801	\$3,937,782	\$4,280,816	\$3,997,477	\$3,267,406

Note: 1) Parking revenues are recorded in both the General Fund and the Special Revenue Parking/Trans Fund.
 2) Parking Meters and Parking Violations are administered through ordinance not the fee schedule.

	Actual FY 17	Actual FY 18	Actual FY 19	Actual FY 20
Vendor From Motor Vehicle				
Permits	1	0	1	1
Revenue	\$5,500	\$0	\$2,500	\$2,500
Hanover Parking Garage Monthly Passes Issued				
Resident	221	220	202	201
Non-Resident	529	486	453	459
Total	750	706	655	660
Foundry Place Parking Garage Monthly Passes Issued (Opened 10-31-18)				
Resident	N/A	N/A	102	78
Non-Resident	N/A	N/A	226	157
Total	0	0	328	235
Peirce Island Overnight Parking	FY 17	FY 18	FY 19	FY 20
Permits	1	0	0	0
Revenue	\$0	\$0	\$0	\$0
Commercial Loading Zone permit				
Permits	67	71	39	30
Revenue	\$3,350	\$3,550	\$3,900	\$1,500

**City of Portsmouth
Fee Schedule
Water / Sewer Divisions**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
<u>Chapter 11: Article II Section 204</u>				
Private Sewage Disposal				
Inspection Fee	PRE FY 02	N/A	N/A	N/A
<u>Chapter 11: Article II Section 205</u>				
Storm Water Connection Permit Fee (Dependent upon revision of ordinance)				
Stormwater Connection Permit	FY 21	\$250.00	\$150.00	New Customer
Stormwater Connection Fee	FY 21	N/A	\$250.00	New Customer
Industrial Discharge Permit Fee, Including Permit Renewals				
Class 1, Permit	FY 08	Consultant Based Fee	Consultant Based Fee	Consultant Based Fee
Class 2, Permit	FY 08	Consultant Based Fee	Consultant Based Fee	Consultant Based Fee
Class 3, Permit	FY 08	\$500.00	\$500.00	per permit
Class 4, Permit	FY 08	\$500.00	\$500.00	per permit
Class 5, Permit	FY 08	\$500.00	\$500.00	per permit

**City of Portsmouth
Fee Schedule
Water / Sewer Divisions**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>		<u>Suggested FY 2022 Schedule</u>
Oil and Grease Trap Permit Fee	FY 15	\$150.00	\$150.00	New Customer (inspection included)	\$150.00
Oil and Grease Trap Permit Renewal Fee	FY 15	\$75.00	\$75.00	Annual	\$75.00
Re-Inspection Fee	FY19	\$100.00	\$100.00	Per visit	\$100.00

WATER and SEWER FEES

Finance Charge, Unpaid balances after due date	PRE FY 02	18% annual	18% annual		18% annual
Turn On	FY 16	\$40.00	\$40.00	per occurrence	\$40.00
Delinquent Tag	FY 19	\$25.00	\$25.00	After threshold of \$150	\$25.00
Turn Off	FY 16	\$40.00	\$40.00	per occurrence	\$40.00
Final Billing Request	FY 14	\$40.00	\$40.00	per occurrence	\$40.00
Hydrant Meter Rental Deposit	FY 20	\$1,500.00	\$1,500.00	per occurrence	\$1,500.00
Yearly Account History	PRE FY 02	\$10.00	\$10.00	per occurrence	\$10.00
Frozen Meter Repairs =< 1 1/2"	FY 15	\$50.00	\$50.00	per occurrence	\$50.00
Frozen Meter Repairs >1 1/2"	FY 15	\$100.00	\$100.00	per occurrence	\$100.00
If parts exceed the minimum charge, customer is charged for parts.					
Emergency Callout	FY 19	\$300.00	\$300.00	per occurrence	\$300.00
Based on current wages + benefits Minimum callout=4 hours overtime per union contracts					
Meter Testing <1 1/2"	FY 14	\$50.00	\$50.00	per occurrence	\$50.00
Meter Testing >=1 1/2"	FY 17	\$75.00	\$75.00	per occurrence	\$75.00
When requested by customer, (if meter test fails no charge to customer)					

**City of Portsmouth
Fee Schedule
Water / Sewer Divisions**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>		<u>Suggested FY 2022 Schedule</u>
Water Services Application Fee	FY 15	\$150.00	\$150.00	per occurrence	\$150.00
Drain Pipe Layers Permit	FY 19	\$25.00	\$25.00	Annually	\$25.00
Meter Reading System Repairs Plus cost of parts	FY 17	\$60.00	\$60.00	per occurrence	\$60.00
Meter Rental (any size)	FY 20	\$10.00	\$10.00	daily	\$10.00
Water Services Application Fee					
5/8" & 3/4"	PRE FY 02	\$4.95	\$4.95	monthly	\$4.95
1"	PRE FY 02	\$8.27	\$8.27	monthly	\$8.27
1 1/2"	PRE FY 02	\$14.25	\$14.25	monthly	\$14.25
2"	PRE FY 02	\$22.91	\$22.91	monthly	\$22.91
3"	PRE FY 02	\$36.26	\$36.26	monthly	\$36.26
4"	PRE FY 02	\$68.74	\$68.74	monthly	\$68.74
6"	PRE FY 02	\$120.27	\$120.27	monthly	\$120.27
8"	PRE FY 02	\$168.01	\$168.01	monthly	\$168.01
10"	PRE FY 02	\$252.02	\$252.02	monthly	\$252.02
Fire Flow Testing	FY 13	\$200.00	\$200.00	per Test	\$200.00
	FY 17	\$100.00	\$100.00	per Visit	\$100.00
Fire Services, Fee per Month					
1"	FY 08	\$2.55	\$2.55	monthly	\$2.55
1 1/2"	FY 08	\$3.82	\$3.82	monthly	\$3.82
2"	FY 08	\$5.09	\$5.09	monthly	\$5.09
2 1/2"	FY 08	\$7.64	\$7.64	monthly	\$7.64
3"	FY 08	\$12.22	\$12.22	monthly	\$12.22
4"	FY21	\$19.90	\$20.84	monthly	* \$21.82
5"	FY21	\$35.60	\$37.48	monthly	* \$39.46

**City of Portsmouth
Fee Schedule
Water / Sewer Divisions**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>		<u>Suggested FY 2022 Schedule</u>
6"	FY21	\$57.41	\$60.54	monthly	* \$63.84
8"	FY21	\$121.99	\$129.02	monthly	* \$136.46
10"	FY21	\$219.13	\$232.02	monthly	* \$245.67
12"	FY21	\$353.71	\$374.77	monthly	* \$397.08
Hydrant Rentals to Municipalities per hydrant	FY21	\$275.00	\$300.00	Annually	* \$325.00
Roadway & Utility Excavation Contractor Permit					
Electric/Lighting/Signal					
Gas/Telephone/Cable					
Road/Sidewalk					
	FY22	N/A	N/A	Initial Certification	* \$50.00
	FY22	N/A	N/A	Annual Fee: Certification Renewal	* \$25.00
	FY22	N/A	N/A	Annual Fee; Additional Certifications	* \$25.00
	FY22	N/A	N/A	Recertification following Suspension	* \$500.00
Backflow Test	FY 15	\$55.00	\$55.00	per device each occurrence	\$55.00
Backflow Test (Repeat-within 15 days)	FY 20	n/c	n/c		n/c
Backflow Test (Repeat-beyond 15 days)	FY 20	\$75.00	\$75.00	per occurrence	\$75.00
Backflow Permits and Inspection	FY 19	\$100.00	\$100.00	per occurrence	\$100.00
Bacteria Test and Sampling	FY 17	\$75.00	\$75.00	per occurrence	\$75.00
Sewer Surcharges-BOD Portsmouth	FY 15	\$0.20	\$0.20	per LB	\$0.20
Pease	FY 15	\$0.20	\$0.20	per LB	\$0.20
TSS Portsmouth	FY 15	\$0.17	\$0.17	per LB	\$0.17
Pease	FY 15	\$0.17	\$0.17	per LB	\$0.17
Dumping Fees per 1,000 gals	FY 19	\$75.00	\$75.00	per 1,000 gallons	\$75.00

**City of Portsmouth
Fee Schedule
Water / Sewer Divisions**

*** (Indicates change from current fee)**

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>		<u>Suggested FY 2022 Schedule</u>
Recreation Vehicles *Non-Resident*	FY 17	\$30.00	\$30.00	per visit	\$30.00
Sewer Connection Permits, as req'd ENV-WQ 703.07	FY 15	\$150.00	\$150.00	new customer	\$150.00
Sewer Connection Fees	FY 15	\$350.00	\$350.00	new customer	\$350.00
Sewer Re-inspection Fee	FY 19	\$100.00	\$100.00	per visit	\$100.00
Equipment Rate (Water & Sewer) - Pick Up	FY 12	\$15.00	\$15.00	per hour	\$15.00
Pump Truck	FY 20	\$150.00	\$150.00	per hour	\$150.00
Backhoe	FY 16	\$50.00	\$50.00	per hour	\$50.00
Excavator	FY 16	\$75.00	\$75.00	per hour	\$75.00
Dump	FY 16	\$50.00	\$50.00	per hour	\$50.00
Compressor	FY 17	\$20.00	\$20.00	per hour	\$20.00
Tapping	FY17	\$25.00	\$25.00	per hour	\$25.00
Pump	FY 14	\$15.00	\$15.00	per hour	\$15.00
Roller	FY 16	\$30.00	\$30.00	per hour	\$30.00
Loader	FY 16	\$60.00	\$60.00	per hour	\$60.00
Steamer	FY 14	\$15.00	\$15.00	per hour	\$15.00
Vactor	FY 17	\$150.00	\$150.00	per hour	\$150.00
Paver	FY 17	\$65.00	\$65.00	per hour	\$65.00
TV Camera Vehicle	FY 17	\$150.00	\$150.00	per hour	\$150.00
Water - Capacity Improvement Multiplier (CIM)					
EDU = equivalent dwelling unit					
1"	FY 19	\$1,300.00	\$1,300.00	per EDU New Service	\$1,300.00
1 1/2"	FY 19	\$2,600.00	\$2,600.00	per EDU New Service	\$2,600.00
2"	FY 19	\$4,160.00	\$4,160.00	per EDU New Service	\$4,160.00
3"	FY 19	\$8,320.00	\$8,320.00	per EDU New Service	\$8,320.00
4"	FY 19	\$13,000.00	\$13,000.00	per EDU New Service	\$13,000.00

**City of Portsmouth
Fee Schedule
Water / Sewer Divisions**

*** (Indicates change from current fee)**

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>		<u>Suggested FY 2022 Schedule</u>
6"	FY 19	\$26,000.00	\$26,000.00	per EDU New Service	\$26,000.00
8"	FY 19	\$41,600.00	\$41,600.00	per EDU New Service	\$41,600.00
10"	FY 19	\$62,400.00	\$62,400.00	per EDU New Service	\$62,400.00
Sewer - Capacity Improvement Multiplier (CIM)					
EDU = equivalent dwelling unit					
1"	FY 19	\$1,800.00	\$1,800.00	per EDU New Service	\$1,800.00
1 1/2"	FY 19	\$3,600.00	\$3,600.00	per EDU New Service	\$3,600.00
2"	FY 19	\$5,760.00	\$5,760.00	per EDU New Service	\$5,760.00
3"	FY 19	\$11,520.00	\$11,520.00	per EDU New Service	\$11,520.00
4"	FY 19	\$18,000.00	\$18,000.00	per EDU New Service	\$18,000.00
6"	FY 19	\$36,000.00	\$36,000.00	per EDU New Service	\$36,000.00
8"	FY 19	\$57,600.00	\$57,600.00	per EDU New Service	\$57,600.00
10"	FY 19	\$86,400.00	\$86,400.00	per EDU New Service	\$86,400.00

**WATER AND SEWER DIVISION
Revenues from fees**

	Actual FY 17	Actual FY 18	Actual FY 19	Actual FY 20	Budget FY 21	
Hydrant Rentals to Municipalities						
Permits	1040	1040	1040	1040		
Revenue	\$208,000	\$234,000	\$260,000	\$286,000	\$312,000	Water Only
Backflow Test						
Permits	1683	1182	2102	1111		
Revenue	\$92,565	\$65,010	\$115,610	\$64,775	\$88,500	Water Only
Dumping Fees per 1,000 gals						
M gallons	1696	1885	2193	1740		
Revenue	\$163,060	\$179,410	\$214,310	\$290,815	\$210,000	Sewer Only
Water - Capacity Improvement Multiplier (CIM)	\$47,580	\$100,620	\$61,400	\$56,940	\$100,000	
Sewer - Capacity Improvement Multiplier (CIM)	\$56,880	\$126,775	\$58,770	\$71,640	\$110,000	

Note: Revenue recorded in Enterprise Funds.

**City of Portsmouth
Fee Schedule
Library**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
LIBRARY				
Non-Resident Library Card	FY 20	\$100.00	\$100.00	\$100.00
Non-Resident Library Card-1/2 year	FY 20	\$55.00	\$55.00	\$55.00
Non-Resident Library Card-Senior Rate	FY 20	\$90.00	\$90.00	\$90.00
Non-Resident Library Card-Senior Rate 1/2 year	FY 20	\$50.00	\$50.00	\$50.00

Businesses located within the city are eligible for a free Portsmouth Public Library Business card, whether the business owns or rents space.

Non-profit organizations and state agencies are included in these provisions.”

**Library
Revenues from fees**

	Actual FY 17	Actual FY 18	Actual FY 19	Actual FY 20
Library Cards	\$31,570	\$32,990	\$35,408	\$32,169

Note: Revenue recorded in a Special Revenue Fund.

**City of Portsmouth
Fee Schedule
Prescott Park**

** (Indicates change from current fee)*

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>		<u>Suggested FY 2022 Schedule</u>
<u>Chapter 8: Article II Section 202 E 7 b</u>					
Park Property-					
Park Property-Per Hour Docking Fees					
<u>HOURLY RATE WOODEN DOCKS</u>			<u>HOURLY RATE WOODEN DOCKS</u>		
RESIDENT (May 1-Sep 30)					
Craft up to twenty (20) ft in length overall	FY 19	\$4.00	\$4.00	Per Hour	\$4.00
For craft twenty-one (21) ft to forty (30) ft overall	FY 19	\$5.00	\$5.00	Per Hour	\$5.00
For craft thirty-one (31) ft to forty (40) ft overall	FY 19	\$6.00	\$6.00	Per Hour	\$6.00
For craft over forty-one (41) ft to fifty (50) ft overall	FY 19	\$9.00	\$9.00	Per Hour	\$9.00
For craft over fifty (50) ft overall	FY 19	\$10.00	\$10.00	Per Hour	\$10.00
NON-RESIDENT (May 1-Sep 30)			<u>HOURLY RATE WOODEN DOCKS</u>		
Craft up to twenty (20) ft in length overall	FY 19	\$8.00	\$8.00	Per Hour	\$8.00
For craft twenty-one (21) ft to forty (30) ft overall	FY 19	\$11.00	\$11.00	Per Hour	\$11.00
For craft thirty-one (31) ft to forty (40) ft overall	FY 19	\$15.00	\$15.00	Per Hour	\$15.00
For craft over forty-one (41) ft to fifty (50) ft overall	FY 19	\$19.00	\$19.00	Per Hour	\$19.00
For craft over fifty (50) ft overall	FY 19	\$23.00	\$23.00	Per Hour	\$23.00
RESIDENT (Oct 1-Apr 30)			<u>HOURLY RATE WOODEN DOCKS</u>		
Craft up to twenty (20) ft in length overall	FY 19	\$3.00	\$3.00	Per Hour	\$3.00
For craft twenty-one (21) ft to forty (30) ft overall	FY 19	\$3.00	\$3.00	Per Hour	\$3.00
For craft thirty-one (31) ft to forty (40) ft overall	FY 19	\$5.00	\$5.00	Per Hour	\$5.00
For craft over forty-one (41) ft to fifty (50) ft overall	FY 19	\$8.00	\$8.00	Per Hour	\$8.00
For craft over fifty (50) ft overall	FY 19	\$8.00	\$8.00	Per Hour	\$8.00

**City of Portsmouth
Fee Schedule
Prescott Park**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>		<u>Suggested FY 2022 Schedule</u>
NON-RESIDENT (Oct 1-Apr 30)					<u>HOURLY RATE WOODEN DOCKS</u>
Craft up to twenty (20) ft in length overall	FY 19	\$5.00	\$5.00	Per Hour	\$5.00
For craft twenty-one (21) ft to forty (30) ft overall	FY 19	\$8.00	\$8.00	Per Hour	\$8.00
For craft thirty-one (31) ft to forty (40) ft overall	FY 19	\$9.00	\$9.00	Per Hour	\$9.00
For craft over forty-one (41) ft to fifty (50) ft overall	FY 19	\$10.00	\$10.00	Per Hour	\$10.00
For craft over fifty (50) ft overall	FY 19	\$13.00	\$13.00	Per Hour	\$13.00
<u>4 HOUR MINIMUM RATE - CEMENT DOCK</u>					<u>4 HOUR MINIMUM RATE - CEMENT DOCK</u>
RESIDENT (May 1-Sep 30)					
Craft up to twenty (20) ft in length overall	FY 20	\$12.00	\$12.00	per 4 hours-over 4 hrs pay daily rate	\$12.00
For craft twenty-one (21) ft to forty (30) ft overall	FY 20	\$16.00	\$16.00	per 4 hours-over 4 hrs pay daily rate	\$16.00
For craft thirty-one (31) ft to forty (40) ft overall	FY 20	\$20.00	\$20.00	per 4 hours-over 4 hrs pay daily rate	\$20.00
For craft over forty-one (41) ft to fifty (50) ft overall	FY 20	\$32.00	\$32.00	per 4 hours-over 4 hrs pay daily rate	\$32.00
For craft over fifty (50) ft overall	FY 20	\$36.00	\$36.00	per 4 hours-over 4 hrs pay daily rate	\$36.00
NON-RESIDENT (May 1-Sep 30)					<u>4 HOUR MINIMUM RATE - CEMENT DOCK</u>
Craft up to twenty (20) ft in length overall	FY 20	\$24.00	\$24.00	per 4 hours-over 4 hrs pay daily rate	\$24.00
For craft twenty-one (21) ft to forty (30) ft overall	FY 20	\$32.00	\$32.00	per 4 hours-over 4 hrs pay daily rate	\$32.00
For craft thirty-one (31) ft to forty (40) ft overall	FY 20	\$40.00	\$40.00	per 4 hours-over 4 hrs pay daily rate	\$40.00
For craft over forty-one (41) ft to fifty (50) ft overall	FY 20	\$64.00	\$64.00	per 4 hours-over 4 hrs pay daily rate	\$64.00
For craft over fifty (50) ft overall	FY 20	\$72.00	\$72.00	per 4 hours-over 4 hrs pay daily rate	\$72.00

**City of Portsmouth
Fee Schedule
Prescott Park**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>		<u>Suggested FY 2022 Schedule</u>
RESIDENT (Oct 1-Apr 30)					<u>4 HOUR MINIMUM RATE - CEMENT DOCK</u>
Craft up to twenty (20) ft in length overall	FY 20	\$8.00	\$8.00	per 4 hours-over 4 hrs pay daily rate	\$8.00
For craft twenty-one (21) ft to forty (30) ft overall	FY 20	\$12.00	\$12.00	per 4 hours-over 4 hrs pay daily rate	\$12.00
For craft thirty-one (31) ft to forty (40) ft overall	FY 20	\$16.00	\$16.00	per 4 hours-over 4 hrs pay daily rate	\$16.00
For craft over forty-one (41) ft to fifty (50) ft overall	FY 20	\$28.00	\$28.00	per 4 hours-over 4 hrs pay daily rate	\$28.00
For craft over fifty (50) ft overall	FY 20	\$32.00	\$32.00	per 4 hours-over 4 hrs pay daily rate	\$32.00
NON-RESIDENT (Oct 1-Apr 30)					<u>4 HOUR MINIMUM RATE - CEMENT DOCK</u>
Craft up to twenty (20) ft in length overall	FY 20	\$12.00	\$12.00	per 4 hours-over 4 hrs pay daily rate	\$12.00
For craft twenty-one (21) ft to forty (30) ft overall	FY 20	\$24.00	\$24.00	per 4 hours-over 4 hrs pay daily rate	\$24.00
For craft thirty-one (31) ft to forty (40) ft overall	FY 20	\$28.00	\$28.00	per 4 hours-over 4 hrs pay daily rate	\$28.00
For craft over forty-one (41) ft to fifty (50) ft overall	FY 20	\$32.00	\$32.00	per 4 hours-over 4 hrs pay daily rate	\$32.00
For craft over fifty (50) ft overall	FY 20	\$44.00	\$44.00	per 4 hours-over 4 hrs pay daily rate	\$44.00

**City of Portsmouth
Fee Schedule
Prescott Park**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>		<u>Suggested FY 2022 Schedule</u>
Park Property-Per Day Docking Fees					
(to be paid in advance)					
RESIDENT (May 1-Sep 30)					
Craft up to twenty (20) ft in length overall	FY 20	\$36.00	\$36.00	Per Day	\$36.00
For craft twenty-one (21) ft to forty (30) ft overall	FY 20	\$42.00	\$42.00	Per Day	\$42.00
For craft thirty-one (31) ft to forty (40) ft overall	FY 20	\$48.00	\$48.00	Per Day	\$48.00
For craft over forty-one (41) ft to fifty (50) ft overall	FY 20	\$60.00	\$60.00	Per Day	\$60.00
For craft over fifty (50) ft overall	FY 20	\$72.00	\$72.00	Per Day	\$72.00
NON-RESIDENT (May 1-Sep 30)					
Craft up to twenty (20) ft in length overall	FY 20	\$48.00	\$48.00	Per Day	\$48.00
For craft twenty-one (21) ft to forty (30) ft overall	FY 20	\$72.00	\$72.00	Per Day	\$72.00
For craft thirty-one (31) ft to forty (40) ft overall	FY 20	\$96.00	\$96.00	Per Day	\$96.00
For craft over forty-one (41) ft to fifty (50) ft overall	FY 20	\$120.00	\$120.00	Per Day	\$120.00
For craft over fifty (50) ft overall	FY 20	\$144.00	\$144.00	Per Day	\$144.00
RESIDENT (Oct 1-Apr 30)					
Craft up to twenty (20) ft in length overall	FY 20	\$18.00	\$18.00	Per Day	\$18.00
For craft twenty-one (21) ft to thirty (30) ft overall	FY 20	\$22.00	\$22.00	Per Day	\$22.00
For craft thirty-one (31) ft to forty (40) ft overall	FY 20	\$24.00	\$24.00	Per Day	\$24.00
For craft over forty-one (41) ft to fifty (50) ft overall	FY 20	\$30.00	\$30.00	Per Day	\$30.00
For craft over fifty (50) ft overall	FY 20	\$36.00	\$36.00	Per Day	\$36.00

**City of Portsmouth
Fee Schedule
Prescott Park**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>		<u>Suggested FY 2022 Schedule</u>
NON-RESIDENT (Oct 1-Apr 30)					
Craft up to twenty (20) ft in length overall	FY 20	\$24.00	\$24.00	Per Day	\$24.00
For craft twenty-one (21) ft to forty (30) ft overall	FY 20	\$36.00	\$36.00	Per Day	\$36.00
For craft thirty-one (31) ft to forty (40) ft overall	FY 20	\$48.00	\$48.00	Per Day	\$48.00
For craft over forty-one (41) ft to fifty (50) ft overall	FY 20	\$60.00	\$60.00	Per Day	\$60.00
For craft over fifty (50) ft overall	FY 20	\$72.00	\$72.00	Per Day	\$72.00
Park Property-Seasonal Rental Docking Fees					
RESIDENT (April 2 - November 1)	FY 20	\$122.00	\$122.00	Per Season per boat foot	\$122.00
	FY 20	\$1,675.00	\$1,675.00	Per Season Minimum	\$1,675.00
NON-RESIDENT (April 2 - November 1)	FY 20	\$150.00	\$150.00	Per Season per boat foot	\$150.00
	FY 20	\$2,050.00	\$2,050.00	Per Season Minimum	\$2,050.00
Park Property-Docking Utility Access Fees					
Dock Utility Access:					
Resident	FY 15	\$10.00	\$10.00	per Day	\$10.00
	FY 21	\$250.00	\$275.00	Per Season	\$275.00
Non Resident	FY 15	\$10.00	\$10.00	per Day	\$10.00
	FY 21	\$250.00	\$275.00	Per Season	\$275.00

**City of Portsmouth
 Fee Schedule
 Prescott Park**

* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2020 Schedule</u>	<u>FY 2021 Schedule</u>	<u>Suggested FY 2022 Schedule</u>
Park Property-Wedding Reservation Fee				
The wedding reservation fee shall be waived when either one of the persons being married is a Portsmouth resident. The fee shall be refunded in the event that the wedding cannot be held in Prescott Park due to inclement weather.				
Weddings which include 1-10 participants in total	FY 21	\$150.00	\$175.00	\$175.00
Weddings which include 11-74 participants in total	FY 21	\$375.00	\$400.00	\$400.00
Weddings which include more than 74 participants in total	FY 21	\$750.00	\$775.00	\$775.00

**Prescott Park
Revenues from fees**

	Actual FY 17	Actual FY 18	Actual FY 19	Actual FY 20
Dock Fees (Marine Maintenance Trust)	\$63,931	\$67,997	\$68,259	\$57,944
Weddings			\$5,625	\$2,250

Note: Revenue recorded in a Special Revenue Fund.

**CITY OF PORTSMOUTH, NEW HAMPSHIRE
GENERAL FUND APPROPRIATION BILL
FOR FISCAL YEAR ENDING JUNE 30, 2022**

RESOLUTION # 8-2021

A RESOLUTION MAKING APPROPRIATION OF SUMS FOR ALL THE NECESSARY GENERAL FUND EXPENDITURES FOR THE OPERATION OF GENERAL OPERATING DEPARTMENTS AND SERVICES OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE FOR THE FISCAL YEAR ENDING JUNE 30, 2022.

BE IT RESOLVED:

By the City Council of the City of Portsmouth, New Hampshire assembled, to defray the current General Fund Expenditures of the City for the Fiscal Year ending June 30, 2022, for the specific purposes stated in the General Fund Budget adopted herewith. Said sums to be appropriated from the General Fund Revenues as follows:

Department	Appropriation
General Government	\$21,458,910
Police	\$12,553,495
Fire	\$9,816,421
School	\$53,492,241
Collective Bargaining	\$108,000
Transfer to Indoor Pool	\$150,000
Transfer to Prescott Park	\$177,486
McIntyre Building Maintenance	\$480,000
Non-Operating	\$24,967,480
Total	\$123,204,033

THAT, there is therefore appropriated the total sum of **One Hundred Twenty-Three Million, Two Hundred Four Thousand, Thirty-Three Dollars**.

APPROVED BY:

RICK BECKSTED, MAYOR

ADOPTED BY THE CITY COUNCIL:

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

**CITY OF PORTSMOUTH, NEW HAMPSHIRE
ANNUAL SEWER FUND APPROPRIATION
AND CASH REQUIREMENTS
FOR THE FISCAL YEAR ENDING JUNE 30, 2022**

RESOLUTION # 9-2021 A RESOLUTION MAKING APPROPRIATION OF SUMS OF MONEY FOR ALL NECESSARY SEWER FUND EXPENSES FOR THE OPERATION OF THE SEWER SYSTEM OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE FOR THE FISCAL YEAR ENDING JUNE 30, 2022.

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

THAT, there is hereby an appropriated sum of **Nineteen Million, Two Hundred Sixty-Nine Thousand, Four Hundred Ninety-Two (\$19,269,492) Dollars** based on the full accrual basis of accounting to defray expenses for the operation of the sewer system for the City of Portsmouth.

THAT, there is hereby cash requirements of **Twenty-One Million, Nine Hundred Nineteen Thousand, Thirty-Five (\$21,919,035) Dollars** for the purpose of principal debt repayment, purchase of assets, funding of the rate stabilization reserve to increase net position, and to defray expenses for the operations of the sewer system.

THAT, the sewer user rate effective July 1, 2021 is **\$14.89** per unit (1 unit equals 100 cubic feet or 748 gallons of water consumed) for the first 10 units of consumption per month, and **\$16.38** per unit for all units used thereafter to yield a portion of revenue to meet the cash requirements for the operation of the City of Portsmouth's sewer system.

APPROVED BY:

RICK BECKSTED, MAYOR

ADOPTED BY THE CITY COUNCIL

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

**CITY OF PORTSMOUTH, NEW HAMPSHIRE
ANNUAL WATER FUND APPROPRIATION
AND CASH REQUIREMENTS
FOR THE FISCAL YEAR ENDING JUNE 30, 2022**

RESOLUTION # 10-2021 A RESOLUTION MAKING APPROPRIATION OF SUMS OF MONEY FOR ALL NECESSARY WATER FUND EXPENSES FOR THE OPERATION OF THE WATER SYSTEM OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE FOR THE FISCAL YEAR ENDING JUNE 30, 2022.

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

THAT, there is hereby appropriated the sum of **Nine Million, Nine Hundred Forty-One Thousand, Nine Hundred Fifty-Three (\$9,941,953) Dollars** based on the full accrual basis of accounting to defray expenses for the operations of the water system for the City of Portsmouth.

THAT, there is hereby cash requirements of **Ten Million, Three Hundred Seventy-Seven Thousand, Seven Hundred Sixty-Four (\$10,377,764) Dollars** for the purpose of principal debt repayment, the purchase of assets, funding of the rate stabilization reserve to increase net position, and to defray expenses for the operations of the water system.

THAT, the water user rate effective July 1, 2021, is **\$4.40** per unit (1 unit equals 100 cubic feet or 748 gallons) for the first 10 units of water consumed per month, and **\$5.30** per unit for all units consumed thereafter to yield a portion of revenue to meet the cash requirements for the operation of the City of Portsmouth's water system.

THAT, the water irrigation user rate effective July 1, 2021, is **\$5.30** per unit (1 unit equals 100 cubic feet or 748 gallons) for the first 10 units of water consumed per month, **\$10.00** for consumption over 10 and up to 20 units consumed, and **\$12.34** per unit for all units consumed thereafter to yield a portion of revenue to meet the cash requirements for the operation of the City of Portsmouth's water system.

APPROVED BY:

RICK BECKSTED, MAYOR

ADOPTED BY CITY COUNCIL

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

**CITY OF PORTSMOUTH, NEW HAMPSHIRE
ANNUAL APPROPRIATION FOR THE EXPENDITURE OF
SPECIAL REVENUES, DEBT SERVICE FUND, AND COMMITTED FUND
BALANCE FOR THE FISCAL YEAR ENDING JUNE 30, 2022**

RESOLUTION #11-2021 A RESOLUTION MAKING APPROPRIATION OF SUMS OF MONEY FROM SPECIAL REVENUES, DEBT SERVICE FUND, AND COMMITTED FUND BALANCE FOR NECESSARY EXPENDITURES FOR THE FISCAL YEAR ENDING JUNE 30, 2022.

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

THAT, there is hereby appropriated supplemental funding from the General Fund Committed Health Insurance Fund Balance to defray the expenses of Health Insurance costs in excess of General Fund Appropriations for Health Insurance Premiums for Fiscal Year ending June 30, 2022.

THAT, there is hereby appropriated supplemental funding from the General Fund Committed Leave at Termination Fund Balance to defray the expenses of Leave at Termination in excess of General Fund Appropriations for Leave at Termination for Fiscal Year ending June 30, 2022.

THAT, there is hereby appropriated supplemental funding from any other General Fund Committed Fund Balance to defray expenses for Fiscal Year ending June 30, 2022.

THAT, there is hereby appropriated any sums necessary to pay debt service associated with Betterment Assessments, to include principal and interest, from a Debt Service Fund for Fiscal Year ending June 30, 2022.

THAT, there is hereby appropriated in Governmental or Enterprise funds any Special Revenues received. Special Revenues include, but not limited to, Parking & Transportation, Stormwater, Prescott Park, Federal, State, and Local Grants and Donations for Fiscal Year ending June 30, 2022.

THAT, there is hereby appropriated any sums received from Special Revenue Sources, to a maximum of **Thirty-Four Million (\$34,000,000) Dollars** for the purposes for which such sums may be lawfully expended.

APPROVED BY:

RICK BECKSTED, MAYOR

ADOPTED BY CITY COUNCIL

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

**CITY OF PORTSMOUTH, NEW HAMPSHIRE
ANNUAL APPROVAL OF INVESTMENT POLICY
FOR THE FISCAL YEAR ENDING JUNE 30, 2022**

**RESOLUTION # 12-2021 A RESOLUTION APPROVING AN INVESTMENT POLICY FOR
THE FISCAL YEAR ENDING JUNE 30, 2022**

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

THAT, the following investment policy is hereby approved for Fiscal
Year ending June 30, 2022 in conformance with State Law.

The City of Portsmouth recognizes an investment program as one aspect of sound public financial management. The investment program aims at matching the structure of the money market and operations of the City to achieve the best possible results for the City, considering such matters as safety, liquidity, and over-all yield. New Hampshire State Statute (RSA 48:16) authorizes the City Treasurer as custodian of City funds to invest funds not immediately needed for the purpose of expenditure and requires the annual approval by the City Council of an investment policy.

SCOPE

This Policy applies to all financial assets of the City of Portsmouth. Interest earned on public funds will be considered public money, as is the principal invested. Both are resources to achieve a public purpose.

This policy does not include the Trust Funds. The Trust Funds adhere to the Investment Guidelines for the Trust Assets of the City which are adopted by the Trustees of the Trust Funds.

OBJECTIVES

1. Where circumstances may arise and/or in maintaining compliance with this policy, the security and maintenance of principal will take precedent over the security and maintenance of interest.
2. Investments selected shall provide reasonable liquidity as directed by cash flow.
3. The desired return of investments shall be maximized, subject to #1 and #2 above.
4. This investment program encourages participation by financial institutions with the assumption that retention of funds in the local community will, in addition to the direct benefit of investment earnings, benefit the local economy, promote orderly growth, and, in turn, enhance the tax base.
5. The City Finance Director/City Treasurer will endeavor to have 100% of available funds invested on a day-to-day basis.

DELEGATION OF RESPONSIBILITY

1. Administration of cash management is by the Finance Director/City Treasurer. The Finance Director/City Treasurer is responsible for setting major investment strategy and conducts the day to day execution of policy.
2. Whenever the Finance Director/City Treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the Finance Director/City Treasurer shall invest these funds in eligible investments defined by RSA 48:16.

3. All participants in the investment process shall act prudently to safeguard the public funds and confidence. Cash Management procedures shall fit the legal requirements and organizational structure and adhere to the commonly accepted "Prudent Person Rule".
4. The Cash Management Program operates daily and requires routine procedures to implement it. The City Finance Director/Treasurer shall review cash management and banking services on a continual and ongoing basis to assure that the policy objectives are met.

ELIGIBLE INVESTMENT TRANSACTIONS

Eligible investments are defined by RSA 48:16; accordingly investments will be in the following types of instruments:

1. The Public Investment Pool established pursuant to RSA 383:22.
2. Deposits including money market accounts, or certificates of deposits, or repurchase agreements, and all other types of interest bearing accounts, of federally insured banks chartered under the laws of New Hampshire or the federal government with a branch within the state, or in obligations fully guaranteed as to principal and interest by the United States government.

Certificates of deposit which meet all of the following conditions:

- a) The funds are initially invested through a federally insured bank chartered under the laws of New Hampshire or the federal government with a branch within the state, selected by the Treasurer.
- b) The selected bank arranges for the deposit of the funds in certificates of deposit in one or more federally insured financial institutions located in the United States for the account of the Treasurer.
- c) The full amount of principal and any accrued interest of each such certificate of deposit is covered by federal deposit insurance.
- d) The selected bank acts as custodian with respect to such certificates of deposit issued for the account of the Treasurer.

SAFEKEEPING AND COLLATERALIZATION

The Finance Director/City Treasurer shall have custody of all moneys belonging to the City. The Finance Director/City Treasurer shall deposit the same in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in federally insured banks chartered under the laws of New Hampshire or the federal government with a branch within the state, except that funds may be deposited in federally insured banks outside the state if such banks pledge and deliver to a third party custodial bank or the regional federal reserve bank collateral security for such deposits of the following types:

- (a) United States government obligations;
- (b) United States government agency obligations; or
- (c) Obligations of the State of New Hampshire in value at least equal to the amount of the deposit in each case.

ETHICS AND CONFLICTS OF INTEREST

The “Prudent Person Rule” shall be applied in the context of managing an overall portfolio. The authorized individuals acting in accordance with policy, exercising due diligence, and acting in good faith shall be relieved of personal responsibility for an individual investment’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments. Authorized individuals shall refrain from personal business activity that could conflict with the proper execution of the City’s investment program, or which could impair their ability to make impartial decisions.

APPROVED BY:

RICK BECKSTED, MAYOR

ADOPTED BY CITY COUNCIL

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

John M. Formella
939 Maplewood Ave Unit 1
Portsmouth, NH 03801

May 31, 2021

Via Electronic Mail

Rick Beckstead
Mayor
City of Portsmouth

Dear Mayor Beckstead:

As discussed with you on our phone call a couple of weeks ago, I am writing this letter to confirm my resignation from the Portsmouth Zoning Board of Adjustment effective at the end of May. While I have enjoyed serving on the Board since the Summer of 2016, I anticipate that the time commitments associated with my new role as Attorney General would prevent me from continuing to effectively serve on the Board.

Thank you and the City for the opportunity to serve in this capacity. I love Portsmouth and hope to someday resume my service on a City board.

Sincerely,

/s/ John M. Formella

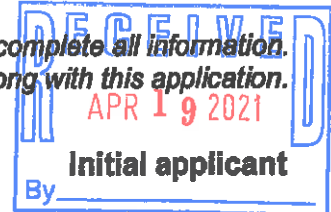
Cc: Attorney Robert Sullivan



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: Conservation Commission

Name: Henry Mellynychuk Telephone: 207-475-4942

Could you be contacted at work? YES NO If so, telephone# 207-475-4942

Street address: 55 Wentworth Street Portsmouth NH

Mailing address (if different): _____

Email address (for clerk's office communication): themells@comcast.net

How long have you been a resident of Portsmouth? 26 years

Occupational background:

Graduated from UNH with a BS in Geology. Staff Geologist for 4 years in MA and 5 years in NH for environmental consulting firms performing environmental cleanup of contaminated soils and groundwater. Member of the AFCEE/Bechtel Pease Remedial Action Team as a subcontractor. My career path then led me to construction project management and estimating on federal construction projects then sitework PM and estimator. Currently employed as the Proposal Manager for a general contractor for federal projects. During my employment I have been responsible for environmental and construction permitting. I have also developed SWPPPs. submitted them through the USEPA eNOI system. and ensured compliance.

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

Throughout my professional career I have been required to read and understand various regulations, specifications, guidelines, publications, etc. and ensure that my organization is operating in compliance with all of the above. I find that I am able to look at things objectively and make decisions based on the facts and "letter of the law".

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: _____

Clarification on question above - I have spoken to a Conservation Commission member ~~Ted Jankowski~~ regarding the time commitment.

I love Portsmouth and understand the need to protect and conserve our natural resources. I feel the Conservation Commission plays an important role in helping City officials make informed decisions about future development and in conserving privately owned land through easements, etc.

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

SAME member (Society of American Military Engineers)

Appalachian Mountain Club member

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

1) Ted Jankowski PO Box 4074 Portsmouth 207-650-6428

Name, address, telephone number

2) George Remick 1247 South St Portsmouth 817-5645

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: _____

Date: 4/16/2021

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 Jenkins Avenue, Portsmouth, NH 03801

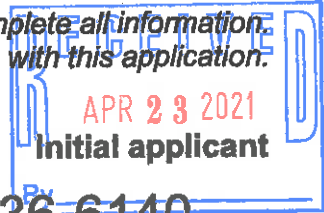
6/27/2012



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: Zoning Board of Adjustment

Name: Beth S. Margeson Telephone: 603-436-6140

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

Street address: 24 Marcy Street, Portsmouth, NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): bmargeson@myfairpoint.net

How long have you been a resident of Portsmouth? 8 years, 9 months

Occupational background:

Attorney, Division for Children, Youth and Families

Independent Contractor with a law firm engaged in private practice

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

~~While in private practice, I assisted with the preparation and submission of variance applications and site plan applications to various towns on behalf of private clients, which required research into and analysis of municipal zoning ordinances, RSA's, and ease law in New Hampshire and Maine. In addition, my attorney background offers me a useful procedural perspective to bring to the ZBA's handling - as a quasi-judicial body - of variance applications and appeals from administrative enforcement actions and other land use board decisions.~~



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: _____

Both professionally and as a resident, I am deeply interested in municipal land use law, especially zoning and the tricky question as to what happens when a particular parcel of property or use doesn't quite fit into the ordinance. Serving on the ZBA would allow me to continue working in this very important and interesting area. Although I have not contacted chair David Rheaume as to the time commitment involved, I did consult the city website to determine the frequency and length of past meetings.

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

Prescott Park Master Plan Implementation Committee;
Citywide Neighborhood Committee, Steering Committee Member;
Babe Ruth League, Treasurer and Board Member;
Friends of Prescott Park, Inc., Secretary;
Portsmouth Women's City Club, Scholarship Committee, former Treasurer and Board Member;
Citizens for Voters Education, Moderator; and
Benevolent and Protective Order of Elks, Lodge No. 97.

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

1) Phyllis Eldridge, 50 South School Street, Portsmouth, NH 603-431-1293
Name, address, telephone number

2) Judy Nerbonne, 189 Gates Street, Portsmouth, NH 603-475-4108
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: Beth J. Margeson Date: April 22, 2021

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

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

Wednesday, June 2, 2021

To: Portsmouth City Council

Ted Jankowski has asked that I place a letter to the City Council under my name for the Monday, June 7th City Council meeting so that he can receive response as to testing.

I would expect that I will ask that the letter be forwarded to the City Manager for response within thirty days. As we know, Ted Jankowski has been dedicated on this issue for the safety of our children and others who play on artificial turf, and he deserves a response.

**Thank You,
Jim Splaine**

Dear Mayor and Council Members,

The City Council has made a commitment for PFAS free playing fields. Bid 37-20 written by W&S and CMA Engineers requires "certification from the turf manufacturer that lead or lead chromate, or PFAS/PFOS are not used in the manufacturing of the specified system."

The City just awarded a contract to Quirk Construction Corp. that specifies Sprinturf.

Test results from Sprinturf shows the presence of one or more PFAS, violating these bid requirements. These lab tests by RTI were submitted to the City by consultants Weston & Sampson. (81 and 430ppm total fluorine) You have also received test results from the Ecology Center showing PFAS in our existing synthetic turf field at the High School. (79ppm total fluorine)

Before any new fields are installed, the City is obligated to be absolutely sure that any product installed is PFAS free as is required by the bid and committed to by the City. This can be done by commissioning independent testing for a total fluorine or total organic fluorine analysis. The testing method required in the bid, EPA Method 537.1, only tests for approximately 30 out of roughly 5000 different PFAS. This is inadequate to determine whether a product is free of PFAS.

In his letter to the City, the Research Director of the Ecology Center advised the Council:

“A company claiming PFAS-free turf fiber should thus be able to produce testing results showing less than 1 part per million of total organic fluorine or total fluorine. We recommend that companies be required to test products and provide these results. In addition to our academic collaborators, we have found a range of third-party labs capable of conducting this type of analysis. These include, but are not limited to: Eurofins Australia or Test America (Sacramento); Galbraith Labs; ALS Environmental; and SGS.”

The City needs to request samples from the manufacturer of both the plastic carpet and shock pad to have them tested for total fluorine or total organic fluorine with the expectation that they be less than 1ppm to be declared free of PFAS chemicals.

The bidder should be billed for the cost of testing, and this process should be initiated and conducted only by the City, not consultants, in order for it to be truly independent.

I respectfully ask the Council to take these necessary steps to protect Portsmouth residents and our environment from further PFAS exposure and contamination.

Sincerely,
Ted Jankowski
Non Toxic Portsmouth
207.650.6428

DATE: June 2, 2021

TO: CITY CLERK KELLI BARNABY
MAYOR BECKSTED
CITY MANAGER CONARD

FROM: COUNCILOR HUDA

SUBJECT: JUNE 7TH 2021 CITY COUNCIL MEETING AGENDA REQUEST
PLEASE PUT THIS UNDER MY NAME. THANK YOU

- > I MAKE A MOTION TO CREATE AN ORDINANCE THAT:
THE CITY OF PORTSMOUTH PERMENTANTLY CREATE AND MAINTAIN AN INDEPENDENT AUDIT COMMITTEE.
THIS AUDIT COMMITTEE WILL BE COMPOSED OF 5 MEMBERS, ONE OF WHOM WILL BE A CITY COUNCILOR, FOR THE PURPOSE
OF ANNUALLY SELECTING & ENGAGING AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTING FIRM REPORTING DIRECTLY
TO THE CITY COUNCIL IN COMPLIANCE WITH THE CITY CHARTER SEC. 7.4 - INDEPENDENT AUDIT AND THE APPLICABLE LAWS
OF THE STATE OF NEW HAMPSHIRE.

- > DISCUSSION ON CITY MANAGER & STAFF RESPONDING TO QUESTIONS FROM THE COUNCIL





Amendment to repeal of Chapter 3, Article XI – face covering during the pandemic. The amendment will retain mask usage for indoor public spaces only (except when eating or drinking) until June 30, 2021 Text to be provided by the City Attorney to the council. It will be offered during the Second Reading of the above.

If the mask ordinance is repealed in its entirety, I will offer the attached resolution giving council support to businesses and organizations who choose to require masks indoors for the safety and comfort of their patrons.

Mask Amendment Narrative

The Mayor’s Blue Ribbon Committee on Health and the city’s health officer both recommend retaining the mask ordinance for indoor public spaces and in our schools through the sunset of the ordinance June 30.

We are in an important transition period from social distancing and masking to being fully open, according to our Health Officer Kim McNamara. Our numbers continue to improve by leaps and bounds, and we are on a path to be at less than 1% positivity by June 30 according to McNamara. But until we get there, CDC and state Department of Health (Dr. Chan) recommend continued mask usage indoors. Simply put, we know fully vaccinated people are safe gathering indoors without masks, and both vaccinated and unvaccinated people are safe gathering outdoors without masks, but there is still a risk of *local transmission between unvaccinated people indoors*. Hence this guidance from the state, updated on the city’s website May 17.

Should I Wear a Face Mask & Physically Distance in Settings Around Other People?		Other Peoples’ Vaccination Status	
		All fully vaccinated	Vaccination status unknown or not all are fully vaccinated
Location	Indoors	NO* 	YES 
	Outdoors	NO* 	NO* 

*Unless required to by a business or organization, or a person desires maximal protection

Importantly, too, our schoolchildren remain largely unvaccinated. Large numbers will be vaccinated in June. Masks will still be required until schools are out. Removing the indoor mask requirement would send a mixed signal to parents and kids, requiring clarification that the School Board’s current mask policy remains in effect for the last two weeks of school.

If we want to have our best chance at fully opening theatres, restaurants and government offices this summer, this extra amount of caution for the last 23 days of the mask mandate will be the safest route. It is the recommendation of the Mayor's Blue Ribbon Committees on Health May 25. The Blue Ribbon Committee on the Arts urged support for businesses and organizations to continue indoor masking as they saw fit May 24. The BRC on Reopening endorsed the findings of the BRC on Health May 26.

ALTERNATIVELY IF THE MASK ORDINANCE IS FULLY REPEALED....

RESOLUTION SAMPLE TEXT

WHEREAS mask usage has been proven to slow the spread of the COVID 19 virus and

WHEREAS the city health officer, and the Mayor's Blue Ribbon Commission on Health, while not opposing the natural end of the city's mask mandate June 30, recommended continued use of masks in indoor public spaces until such time as the risk of spread between unvaccinated people in those spaces is shown to be low by scientific data

WHEREAS the New Hampshire State Department of Public Health also recommends the same policy for indoor public spaces and

WHEREAS the Mayor's Blue Ribbon Committee on the Arts have recommended city council support for those organizations that choose to require masks indoors for the safety of their patrons, and

WHEREAS the Portsmouth Chamber Collaborative has also surveyed their business members and find many wish to keep mask use indoors for the safety and comfort of their patrons, and

WHEREAS the repeal of the city's mask ordinance may occur June 7, prior to the end of school, and widespread vaccination of school children has not occurred yet, requiring school board policy to remain in effect for continued use of masks indoors at Portsmouth schools for the remainder of the school year,

NOW THEREFORE the Portsmouth City Council resolves to support those businesses, non-profits and organizations and our schools when they require masks indoors as they fit until the pandemic threat is sufficiently low as judged by public health officials to no longer do so.

PORTSMOUTH LITTLE LEAGUE, INC.
P. O. BOX 8321
PORTSMOUTH, NH 03802

RECEIVED

MAR 16 2021

CITY MANAGER
PORTSMOUTH, NH

Karen Conard
City Manager
1 Junkins Avenue
Portsmouth, NH 03801

March 15, 2021

Dear Ms. Conard,

Below are two requests for Memorial Benches to honor deceased volunteers of Portsmouth Little League. In each case the league, and/or in the case of the Wilson bench, several youth sports leagues have raised the funds for purchase and if requested, installation of the benches.

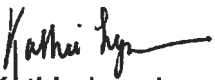
Portsmouth Little League is requesting the installation of a bench beyond the outfield fences at Plains Field in memory of Joe Iudice. Joe was the longest serving umpire in the league, beginning his volunteer work long before I became league president. He served as umpire-in-chief for over 30 years and facilitated the eventual combination of 3 distinct Little League programs into the league we now offer. I was fortunate to chat with Joe in the weeks before his passing and his one request was for a "bench, like the one for Joe Grattan, at Plains Field". We hope to be able to honor this request. The funds for purchase and installation have already been received via memorial donations in Joe's memory.

Along with Portsmouth Girls Softball, Seacoast Lacrosse, Portsmouth Youth Football, Portsmouth Youth Wrestling, and Portsmouth City Soccer we are requesting the installation of a bench [or benches depending on cost] at the new outdoor multi-purpose field in memory of Rus Wilson. The leagues have donated a sum in the amount of \$2300.00 to support purchase and installation; those funds are currently in a separate line item Portsmouth Little League's account. We defer to the city on bench type and location but would request that the bench reflect both the purpose [Memorial to Rus] and donors.

In prior instances of memorial benches, we have been able to work with Public Works for both delivery and installation of the benches. I have emailed Peter Rice and his recommendation was to first receive permission to place the benches on city property and then permission for his department to assist with installation.

I look forward to your reply; please contact me if you need any further information or would like a "tour" of the current memorial benches at Plains and Hislop fields.

Sincerely,



Kathie Lynch
LEAGUE PRESIDENT

PORTSMOUTH POLICE COMMISSION

MEMORANDUM

DATE: MAY 27, 2021
TO: KAREN CONARD, CITY MANAGER
FROM: STEFANY SHAHEEN, PORTSMOUTH POLICE COMMISSION CHAIR
MARK D. NEWPORT, CHIEF OF POLICE
RE: GRANTS & DONATION

At the May 25th, 2021 Police Commission meeting, the Board of Police Commissioners approved and accepted the following grants and donation:

- a. **A second grant from the NH Department of Safety, in the amount of \$7,801.75, has been awarded to the Portsmouth Police Department for Night Vision Equipment. This grant cannot be executed until accepted and approved by both the Police Commission and City Council.**
- b. **The NH Office of Highway Safety has amended Portsmouth's original FY21 Highway Safety grant award from \$17,641 to \$20,541. The adjustment total amounts to \$2,900.**
- c. **A baby gate has been donated to the Portsmouth Police Department's Animal Control Office from Port City Veterinary Referral Hospital by Ethos.**

We submit the information to you pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at their June 7th, 2021 meeting. We respectfully request this item be placed on the City Council meeting agenda for the June 7th, 2021 regular City Council meeting.

Respectfully submitted,



Jacqueline D. Burnett
Office of the Chief

copies: Board of Police Commissioners
Business Asst. Tammie Perez
Admin. Mgr. Karen Senecal



CITY OF PORTSMOUTH

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

Karen S. Conard
City Manager

Date: June 3, 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 June 7, 2021

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

A. **Public Hearing Regarding Recognizing Indigenous Peoples' Day Each Year Instead of What Has Been Typically Designated by the State of New Hampshire As Columbus 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. This public hearing was a request of WE Speak NH Listens, a student group at Portsmouth High School.

This is a continuation of the public hearing that was held on May 17, 2021.

As requested by Councilor Lazenby, a proposed motion would be that the City Council move to recognize Indigenous Peoples' Day each year instead of what has been typically designated by the State of New Hampshire as Columbus Day.

B. **Reopening of Public Hearing Regarding FY22 Budget:**

This is a continuation of the public hearing that was held on May 10, 2021.

C. **Public Hearing and Second Reading Regarding Ordinance Amending Chapter 3, Article XI, Face Coverings During the COVID-19 Pandemic:**

At a Special City Council meeting on June 1, 2021, the Council voted to hold a public hearing and second reading regarding this ordinance at this evening's meeting.

D. Public Hearing and Second Reading Regarding Ordinance Amending Chapter 7, Article VII, Section 7.702 – Truck Traffic Prohibited:

At its April 8, 2021 meeting, the Parking and Traffic Safety Committee (PTSC) voted to unanimously recommend to the City Council that truck traffic be prohibited on Bartlett Street as soon as Hodgdon Way (Cate Street Connector) is open to traffic. The Committee considered this recommendation as part of modifications to truck traffic in the Bartlett Street area in response to residents' concerns to calm traffic and create a more pedestrian friendly environment. For many years, Bartlett Street has been the designated truck route through the area, primarily for deliveries to Ricci Lumber. Prohibiting truck traffic on Bartlett Street could cause trucks to use a portion of Dennett Street from Woodbury Avenue to Bartlett Street that currently permits truck traffic. In order to encourage trucks to use the revised truck route proposed by this amendment and to lessen the impact on that section of Dennett Street, it is recommended that the ordinance be amended to include a prohibition of truck traffic on Dennett Street between Woodbury Avenue and Bartlett Street. The other minor amendment to create the new truck route includes removing the truck restriction on the portion of Cate Street between Bartlett Street and the new Hodgdon Way.

On May 17, 2021, the City Council held the first reading of an ordinance that would prohibit truck traffic on Bartlett Street as soon as practicable. The [attached ordinance](#) amends Chapter 7, Article VII, Section 7.702, TRUCK TRAFFIC PROHIBITED, to restrict truck traffic on Bartlett Street once Hodgdon Way is open for public travel and makes other minor amendments to the ordinance to effectuate the implementation of the revised truck route. A map of this area is also [attached](#).

Jane Ferrini, Assistant City Attorney, is available to answer questions at this evening's meeting.

I recommend that the City Council move to pass second reading and schedule a third and final reading at the June 21, 2021 City Council meeting.

Adoption of Proposed Budget Resolutions:

E. Adoption of Budget Resolutions for Fiscal Year July 1, 2021 through June 30, 2022 (FY22): At this evening's meeting, I am requesting that the City Council adopt the proposed FY22 Budget (July 1, 2021 through June 30, 2022). For your review and action, there are six proposed Resolutions relative to the annual budget adoption:

- **Resolution No. 7-2021 - Municipal Fees** adopts Municipal Fees that have been recommended by the Fee Committee. The total revenue generated from these fees is estimated at \$1,807,600 or 1% of the total FY22 General Fund Revenues.
- **Resolution No. 8-2021 – General Fund Expenditures** for both the Operating and Non-Operating appropriations for a total of \$123,204,033.

- **Resolution No. 9-2021 – Sewer Fund Expenditures** establishes the annual appropriation, cash requirements and user rates for the Sewer Fund. This resolution reflects a 4% increase in Sewer user rates. Sewer charges are based on water consumption. The adoption of this resolution includes a two-step, inclining block rate structure.
- **Resolution No. 10-2021 – Water Fund Expenditures** establishes the annual appropriation, cash requirements and user rates for the Water Fund. Similar to Sewer, the adoption of this resolution will include a two-step, inclining block rate structure for water usage. Also included is a three step, inclining block rate structure for metered irrigation water usage. This resolution reflects a 2% increase in water user rates. The irrigation water usage is not subject to sewer charges.
- **Resolution No. 11-2021 – Special Revenues, Debt Service Fund and Committed Fund Balances for Necessary Expenditures** allows for the expenditure of Special Revenues, Debt Service Fund, and Committed Fund Balance. This allows the City to expend from donations, State and Federal Grants as they are accepted and received, pay principal and interest associated with Betterment Assessments from a Debt Service Fund, and expend from committed Fund Balance.
- **Resolution No. 12-2021 – Investment Policy** deals with the adoption of an annual investment policy. State law requires the annual adoption of such a policy by every city and town.

I am requesting that the City Council vote to adopt each Resolution separately.

XIV. Approval of Grants/Donations:

A. Acceptance of Community Development Block Fund Grants:

The U.S. Department of Housing and Urban Development (HUD) has informed the City that a Community Development Block Grant (CDBG) in the amount of \$531,393 will be made available to Portsmouth for FY 2022. This amount represents a decrease of \$1,660 from the current fiscal year, due to an overall decrease of the federal CDBG budget. These grant funds are awarded annually and are used to carry out a variety of social services, public facility/infrastructure improvements, ADA accessibility, and other CDBG-eligible projects targeted to benefit low-income populations in the City. As a point of information, these FY22 CDBG funds do not include any CARES Act CDBG monies.

I recommend that the City Council move to accept and expend a Community Development Block Grant in the amount of \$531,393 from the U.S. Department of Housing and Urban Development.

B. Acceptance of Memorial Bench Donation in Memory of Joe Iudice:

The City received a donation in the amount of \$2,300 from Portsmouth Little League to support the purchase and installation of a bench at the Plains Ball Field with a memorial plaque for Joe Iudice.

I recommend that the City Council move to approve and accept the donation for a bench in memory of Joe Iudice, as presented.

C. Acceptance of Memorial Bench Donation in Memory of Rus Wilson:

The City received a donation in the amount of \$2,300 from Portsmouth Girls Softball, Seacoast Lacrosse, Portsmouth Youth Football, Portsmouth Youth Wrestling and Portsmouth City Soccer to support the purchase and installation of a bench at the City's new athletic field off of Campus Drive with a memorial plaque for Rus Wilson.

I recommend that the City Council move to approve and accept the donation for a bench in memory of Rus Wilson, as presented.

D. Acceptance of Grant from the NH Department of Safety to the Portsmouth Police Department for Night Vision Equipment:

On May 25, 2021, the Board of Police Commissioners approved and accepted a second grant from the NH Department of Safety in the amount of \$7,801.75 to be utilized by the Police Department for night vision equipment.

I recommend that the City Council move to accept and approve the grant for the Police Department from the NH Department of Safety in the amount of \$7,801.75 for night vision equipment.

E. Acceptance of Amended Grant from the NH Office of Highway Safety to the Portsmouth Police Department for FY21 Highway Safety:

The NH Office of Highway Safety has amended Portsmouth's original FY21 Highway Safety grant award from \$17,641 to \$20,541. The total adjustment amounts to \$2,900. On May 25, 2021, the Board of Police Commissioners approved and accepted the amended grant.

I recommend that the City Council move to accept and approve the amended grant for the Police Department from the NH Office of Highway Safety as presented.

F. Acceptance of a Donation of a Baby Gate from Port City Veterinary Referral Hospital to the Portsmouth Police Department's Animal Control Officer:

On May 25, 2021, the Board of Police Commissioners approved and accepted a donation of a baby gate from Port City Veterinary Referral Hospital to be utilized by the Police Department's Animal Control Officer.

I recommend that the City Council move to accept and approve the donation of a baby gate from Port City Veterinary Referral Hospital as presented.

XV. City Manager's Items which Require Action:

1. **Proposed Art Donation by Dan Rawling:**

At its February 8, 2021 meeting, the City Council referred an offer from resident Dan Rawling to donate a painting entitled, "Victory of Peace Kimono," by local artist Dustan Knight to an interim Ad Hoc Advisory Group for evaluation and a recommendation back to the City Council. The Ad Hoc Group included the President of the Japan America Society of New Hampshire and local resident, Charles Doleac, local resident, artist and former President of the NH Art Association, Robert Thoreson, and Public Works Director Peter Rice.

The Advisory Group met on May 4, 2021 to inspect the painting in accordance with the criteria for public art acquisitions as set forth in the Public Art Acquisition Policy 2009-06.

The Advisory Group unanimously agreed to recommend that the City Council accept the painting based the acquisition policy criteria, as well as the provenance of the painting that encompasses inclusion in the NH Art Association's 2005 "The Art of Peace" competition and exhibit which celebrated the 100th Anniversary of the Russo-Japanese Peace Treaty signing in Portsmouth on September 5, 1905. The Advisory Group suggests inclusion of an interpretive plaque detailing the provenance of the painting.

I recommend that the City Council move to accept the proposed Portsmouth Peace Treaty commemoration painting, "Victory of Peace Kimono," by Dustan Knight and display it in City Hall with an appropriate interpretive plaque.

2. **Acceptance of American Rescue Plan Act Funds and Request for Related Work Session:**

On March 11, 2021, the [American Rescue Plan Act of 2021 \(ARPA\)](#) was signed into law which established the Coronavirus State and Local Fiscal Recovery Fund to provide direct support for local governments to respond to COVID-19's impact on our community, residents and businesses. It is, in essence, an economic stimulus bill to help every city and town correct the harm caused by COVID-19.

Under the ARPA, Portsmouth has been classified as a Metropolitan City, one of five in NH (along with Dover, Rochester, Manchester, and Nashua). The City has received the first half of our funds in the amount of \$6,441,140. The money has been deposited in a special revenue fund. It is recommended that the Council vote to accept these funds at tonight's meeting.

Prior to scheduling a future vote to appropriate and expend these funds, the Interim Final Rules of the ARPA require each community to assess its needs, evaluate those needs and develop a plan on how to expend these funds within the parameters of the allowable and encouraged expenditures. We have recently learned that although Portsmouth has been identified as a Metropolitan City, it is not required to submit a formal Recovery Plan Performance Report to the Department of the Treasury. However, Portsmouth, like all recipients of these funds, will need to create a plan for how these funds can best serve our community.

In order to initiate the first of many conversations our community will have on these funds over the next several years, I would recommend that the City Council schedule a work session on Monday, June 14, 2021 at 7:00 p.m. Public participation will be encouraged and City Staff will be on hand to help identify community needs, help interpret the Interim Final Rules, and answer questions regarding permitted expenditures under the ARPA.

Jane Ferrini, Assistant City Attorney, is available to answer questions at this evening's meeting.

I recommend that the City Council move to authorize the City Manager to apply for and accept the Coronavirus State and Local Fiscal Recovery Funds through the American Rescue Plan Act of 2021 in the amount of \$6,441,140, subject to the attached terms and conditions of the offer and the rules and regulations pertaining thereto; and

I recommend that the City Council schedule a work session on Monday, June 14, 2021 at 7:00 p.m. to assess our community's needs and to begin creating a plan to expend the Coronavirus State and Local Fiscal Recover Funds received through the American Rescue Plan Act of 2021.

3. Report Back on 900 Middle Road Request for Unmerger of Involuntarily Merged Lots:

At its meeting on February 8, 2021, the City Council considered [a request from Todd Buttrick, owner of property at 900 Middle Road](#), to consider returning the existing lot to its pre-merger status, which would result in the creation of four individual lots as shown in the [attached exhibits](#).

Statutory Requirements

RSA 674:39-aa requires the City Council to vote to restore “to their premerger status” any lots or parcels that were “involuntarily merged” by municipal action for zoning, assessing, or taxation purposes without the consent of the owner. Unlike all other lot divisions, there is no statutory role for the Planning Board in this process nor is there any requirement for the City to hold a public hearing. However, in Portsmouth the City Council has historically referred such requests to the Planning Board to conduct a public hearing.

The statute defines “voluntary merger” and “voluntarily merged” to include “any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line” (RSA 674:39-aa, I). It is therefore the City Council’s responsibility to determine whether a merger was voluntary (i.e., requested by a lot owner) or involuntary (implemented by the City without the owner’s consent). If the merger was involuntary, the Council must vote to restore the lots to their premerger status. Following such a vote, the City GIS and Assessing staff will update zoning and tax maps accordingly. It will then be up to the owner to take any further action to confirm the restoration to premerger status, such as recording a plan at the Registry of Deeds.

It is important to note that the granting of a request to restore lots to their premerger status does not mean that the resulting lots will be buildable or, if already developed, will conform to zoning.

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

Assessing Department Review

The Assessing Department has reviewed the request and a [memo from the City Assessor is included in this packet](#).

Planning Board Recommendation

At the May 20, 2021 meeting, the Planning Board voted to recommend that the City Council deny this request as recommended by the City Assessor.

I recommend that the City Council vote to deny this request as recommended by the Planning Board and the City Assessor.

XVIII. City Manager’s Informational Items:

1. Report Back on Various Budget Questions Posed by Councilors Kennedy and Huda:

In response to various budget related questions posed by Councilors Kennedy and Huda via email on May 30, 2021 and May 31, 2021, please [find attached a memorandum](#) providing the requested information.

OMB Approved No. 1505-0271
Expiration Date: November 30, 2021

U.S. DEPARTMENT OF THE TREASURY
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

Recipient name and address: City of Portsmouth, New Hampshire 1 Junkins Avenue Portsmouth, New Hampshire, 03801	DUNS Number: 073976706 Taxpayer Identification Number: 026000714 Assistance Listing Number: 21.019
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Sections 602(b) and 603(b) of the Social Security Act (the Act) as added by section 9901 of the American Rescue Plan Act, Pub. L. No. 117-2 (March 11, 2021) authorize the Department of the Treasury (Treasury) to make payments to certain recipients from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund.

Recipient hereby agrees, as a condition to receiving such payment from Treasury, to the terms attached hereto.

DocuSigned by:
 Recipient: 
 4E2995E22EF44E7...

Authorized Representative: Karen Conard

Title: City Manager

Date signed: 5/13/2021

U.S. Department of the Treasury:

Authorized Representative:

Title:

Date:

PAPERWORK REDUCTION ACT NOTICE
 The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 15 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

U.S. DEPARTMENT OF THE TREASURY
CORONAVIRUS LOCAL FISCAL RECOVERY FUND
AWARD TERMS AND CONDITIONS

1. Use of Funds.
 - a. Recipient understands and agrees that the funds disbursed under this award may only be used in compliance with section 603(c) of the Social Security Act (the Act), Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. Recipient will determine prior to engaging in any project using this assistance that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of such project.
2. Period of Performance. The period of performance for this award begins on the date hereof and ends on December 31, 2026. As set forth in Treasury's implementing regulations, Recipient may use award funds to cover eligible costs incurred during the period that begins on March 3, 2021, and ends on December 31, 2024.
3. Reporting. Recipient agrees to comply with any reporting obligations established by Treasury as they relate to this award.
4. Maintenance of and Access to Records
 - a. Recipient shall maintain records and financial documents sufficient to evidence compliance with section 603(c) of the Act, Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. The Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Recipient in order to conduct audits or other investigations.
 - c. Records shall be maintained by Recipient for a period of five (5) years after all funds have been expended or returned to Treasury, whichever is later.
5. Pre-award Costs. Pre-award costs, as defined in 2 C.F.R. § 200.458, may not be paid with funding from this award.
6. Administrative Costs. Recipient may use funds provided under this award to cover both direct and indirect costs.
7. Cost Sharing. Cost sharing or matching funds are not required to be provided by Recipient.
8. Conflicts of Interest. Recipient understands and agrees it must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict of interest policy is applicable to each activity funded under this award. Recipient and subrecipients must disclose in writing to Treasury or the pass-through entity, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.

9. Compliance with Applicable Law and Regulations.

- a. Recipient agrees to comply with the requirements of section 603 of the Act, regulations adopted by Treasury pursuant to section 603(f) of the Act, and guidance issued by Treasury regarding the foregoing. Recipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Recipient shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this award.
- b. Federal regulations applicable to this award include, without limitation, the following:
 - i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
 - ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
 - iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
 - iv. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.
 - v. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
 - vi. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
 - vii. New Restrictions on Lobbying, 31 C.F.R. Part 21.
 - viii. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655) and implementing regulations.
 - ix. Generally applicable federal environmental laws and regulations.
- c. Statutes and regulations prohibiting discrimination applicable to this award include, without limitation, the following:
 - i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;

- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
 - iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
 - iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
 - v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.
10. Remedial Actions. In the event of Recipient's noncompliance with section 603 of the Act, other applicable laws, Treasury's implementing regulations, guidance, or any reporting or other program requirements, Treasury may impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of section 603(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in section 603(e) of the Act.
11. Hatch Act. Recipient agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.
12. False Statements. Recipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.
13. Publications. Any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number [enter project FAIN] awarded to [name of Recipient] by the U.S. Department of the Treasury."
14. Debts Owed the Federal Government.
- a. Any funds paid to Recipient (1) in excess of the amount to which Recipient is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused; or (3) that are determined by Treasury to be subject to a repayment obligation pursuant to section 603(e) of the Act and have not been repaid by Recipient shall constitute a debt to the federal government.
 - b. Any debts determined to be owed the federal government must be paid promptly by

Recipient. A debt is delinquent if it has not been paid by the date specified in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made or if the Recipient knowingly or improperly retains funds that are a debt as defined in paragraph 14(a). Treasury will take any actions available to it to collect such a debt.

15. Disclaimer.

- a. The United States expressly disclaims any and all responsibility or liability to Recipient or third persons for the actions of Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award.
- b. The acceptance of this award by Recipient does not in any way establish an agency relationship between the United States and Recipient.

16. Protections for Whistleblowers.

- a. In accordance with 41 U.S.C. § 4712, Recipient may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.
- b. The list of persons and entities referenced in the paragraph above includes the following:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Treasury employee responsible for contract or grant oversight or management;
 - v. An authorized official of the Department of Justice or other law enforcement agency;
 - vi. A court or grand jury; or
 - vii. A management official or other employee of Recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.
- c. Recipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

17. Increasing Seat Belt Use in the United States. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Recipient should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.

18. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Recipient should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.

ASSURANCES OF COMPLIANCE WITH CIVIL RIGHTS REQUIREMENTS

ASSURANCES OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

As a condition of receipt of federal financial assistance from the Department of the Treasury, the recipient named below (hereinafter referred to as the "Recipient") provides the assurances stated herein. The federal financial assistance may include federal grants, loans and contracts to provide assistance to the Recipient's beneficiaries, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and other arrangements with the intention of providing assistance. Federal financial assistance does not encompass contracts of guarantee or insurance, regulated programs, licenses, procurement contracts by the Federal government at market value, or programs that provide direct benefits.

The assurances apply to all federal financial assistance from or funds made available through the Department of the Treasury, including any assistance that the Recipient may request in the future.

The Civil Rights Restoration Act of 1987 provides that the provisions of the assurances apply to all of the operations of the Recipient's program(s) and activity(ies), so long as any portion of the Recipient's program(s) or activity(ies) is federally assisted in the manner prescribed above.

1. Recipient ensures its current and future compliance with Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal financial assistance, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d *et seq.*), as implemented by the Department of the Treasury Title VI regulations at 31 CFR Part 22 and other pertinent executive orders such as Executive Order 13166, directives, circulars, policies, memoranda, and/or guidance documents.
2. Recipient acknowledges that Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English proficiency (LEP). Recipient understands that denying a person access to its programs, services, and activities because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and the Department of the Treasury's implementing regulations. Accordingly, Recipient shall initiate reasonable steps, or comply with the Department of the Treasury's directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. Recipient understands and agrees that meaningful access may entail providing language assistance services, including oral interpretation and written translation where necessary, to ensure effective communication in the Recipient's programs, services, and activities.
3. Recipient agrees to consider the need for language services for LEP persons when Recipient develops applicable budgets and conducts programs, services, and activities. As a resource, the Department of the Treasury has published its LEP guidance at 70 FR 6067. For more information on taking reasonable steps to provide meaningful access for LEP persons, please visit <http://www.lep.gov>.

4. Recipient acknowledges and agrees that compliance with the assurances constitutes a condition of continued receipt of federal financial assistance and is binding upon Recipient and Recipient's successors, transferees, and assignees for the period in which such assistance is provided.
5. Recipient acknowledges and agrees that it must require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with assurances 1-4 above, and agrees to incorporate the following language in every contract or agreement subject to Title VI and its regulations between the Recipient and the Recipient's sub-grantees, contractors, subcontractors, successors, transferees, and assignees:

The sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.

6. Recipient understands and agrees that if any real property or structure is provided or improved with the aid of federal financial assistance by the Department of the Treasury, this assurance obligates the Recipient, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is provided, this assurance obligates the Recipient for the period during which it retains ownership or possession of the property.
7. Recipient shall cooperate in any enforcement or compliance review activities by the Department of the Treasury of the aforementioned obligations. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Recipient shall comply with information requests, on-site compliance reviews and reporting requirements.
8. Recipient shall maintain a complaint log and inform the Department of the Treasury of any complaints of discrimination on the grounds of race, color, or national origin, and limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, pending or completed, including outcome. Recipient also must inform the Department of the Treasury if Recipient has received no complaints under Title VI.
9. Recipient must provide documentation of an administrative agency's or court's findings of non-compliance of Title VI and efforts to address the non-compliance, including any voluntary compliance or other

agreements between the Recipient and the administrative agency that made the finding. If the Recipient settles a case or matter alleging such discrimination, the Recipient must provide documentation of the settlement. If Recipient has not been the subject of any court or administrative agency finding of discrimination, please so state.

10. If the Recipient makes sub-awards to other agencies or other entities, the Recipient is responsible for ensuring that sub-recipients also comply with Title VI and other applicable authorities covered in this document. State agencies that make sub-awards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of sub-recipients.

The United States of America has the right to seek judicial enforcement of the terms of this assurances document and nothing in this document alters or limits the federal enforcement measures that the United States may take in order to address violations of this document or applicable federal law.

Under penalty of perjury, the undersigned official(s) certifies that official(s) has read and understood the Recipient's obligations as herein described, that any information submitted in conjunction with this assurances document is accurate and complete, and that the Recipient is in compliance with the aforementioned nondiscrimination requirements.

City of Portsmouth, New Hampshire

5/13/2021

Recipient

Date

DocuSigned by:

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Signature of Authorized Official

PAPERWORK REDUCTION ACT NOTICE

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CITY OF PORTSMOUTH, NH

APPLICATION FOR RESTORATION OF INVOLUNTARILY MERGED LOTS

PURSUANT TO RSA 674:39-aa

Name of Property Owner(s): Todd A. Buttrick 603-303-7212

Mailing Address: 14 Karlin Rd Fremont N.H. 03044

Telephone Number: 603-303-7212

Email Address: tvb@comcast.net

Street Location of Parcels Affected by the Requested Restoration:
900 Middle Rd Portsmouth N.H.

Properties Requested to be Restored (attach additional sheet if needed):

Parcel 1

Current Deed Reference: Book 5345 Page 2869 Date Recorded July 30, 2012
~~Book 520 Page 10 Date Recorded November 5, 2011~~

Tax Map _____ Lot Number 33, 34, 35, 60

Parcel 2

Current Deed Reference: Book _____ Page _____ Date Recorded _____

Tax Map _____ Lot Number _____

Parcel 3

Current Deed Reference: Book _____ Page _____ Date Recorded _____

Tax Map _____ Lot Number _____

Please state when you believe the involuntary merger took place:
I do not know

Signature(s) of Property Owner(s):

Signature: [Handwritten Signature] Name: Todd A Buttrick Date: 1/15/2021

Signature: _____ Name: _____ Date: _____

KATHRYN S. WILLIAMS, ESQ.
K.S.W. LAW
57 Main Street, P.O. Box 836
Epping, New Hampshire 03042
(603) 679-5223
kwilliams@ksw-law.com

August 27, 2012

Todd Buttrick
14 Karlin Road
Fremont, NH 03044

**Re: Transfer of Real Estate
Property in Portsmouth, NH**

Dear Mr. Buttrick:

Enclosed is the original Fiduciary Deed for the above referenced property that was recorded on July 30, 2012 at Book 5345, Page 2869 in the Rockingham County Registry of Deeds. You should retain and store this document in a safe place for later use as needed.

The Declaration of Consideration and Inventory of Property Transfer forms that you previously signed have been completed and mailed for filing in the appropriate town and state offices.

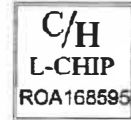
Very truly yours,


Kathryn S. Williams

KSW:vab

(M)

Return to:
MAIL TO
Kathryn S. Williams
57 Main Street
Box 836
Epping, NH 03042



FIDUCIARY DEED

Kathryn S. Williams as Successor Trustee of The Barbara H. Buttrick Revocable Trust of 2003, u/d/t dated July 30, 2003, of 57 Main Street, Epping, New Hampshire, for good and valuable consideration, grants to Todd Buttrick,* with Fiduciary Covenants, the real property described as follows:

* with a mailing address of 14 Karlin Road, Fremont, NH 0304

Four (4) certain lots of land with the buildings thereon situate on Middle Road and Woodworth Avenue in Portsmouth, County of Rockingham, State of New Hampshire, and being **Lots No. 33, 34, 35 and 60 on Plan of Prospect Park, Portsmouth, N.H. recorded in Rockingham County Registry of Deeds Book 527, Page 481, and more particularly bounded as follows:**

Beginning at a point in the Southeasterly side of Middle Road at the westerly side of Woodworth Avenue and running Southeasterly by the Westerly sideline of said Woodworth Avenue 148.6 feet more or less to land of Charles F. Caswell being Lot No. 59 on said Plan; thence turning and running Southwesterly by said Lot No. 59 80 feet more or less to a corner at land of Paul and Rose Gammon; thence turning and running Northwesterly by said land of Gammon, being Lots No. 36 and 37, 56 feet to a corner; thence turning and running Westerly by other land of said Gammons 40.8 feet more or less to a corner at land of Joseph and Mildred Markey, being Lot No. 32; thence turning and running Northwesterly by said land of Markeys 102.1 feet more or less to Middle Road; thence turning and running Northeasterly by Middle Road 122.4 feet more or less to the point of beginning.

This is not homestead property of the Grantor.

Barbara H. Buttrick's death certificate is on record at the Rockingham County Registry of Probate, 10th Circuit Court, Probate Division.

Meaning and intending to convey the same property described in the deed of Barbara H. Buttrick to Barbara H. Buttrick, Trustee of The Barbara H. Buttrick

040643

2012 AUG 15 AM 10:07

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

Revocable Trust of 2003, u/d/t dated July 30, 2003, dated November 5, 2011, and recorded at the Rockingham County Registry of Deeds, at Book 5260, Page 1861.


Trustee's Certificate

The undersigned trustee is the Successor Trustee under the Trust created by Barbara H. Buttrick, as grantor under trust agreement dated July 30, 2003, and thereto has full and absolute power in said trust agreement to convey any interest in real estate and improvements thereon held in said trust, and no purchaser or third party shall be bound to inquire whether the trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the trustee for a conveyance thereof.


 Kathryn S. Williams, Successor Trustee

This is a conveyance from a revocable trust pursuant to an estate planning trust. The original grantor, Barbara H. Buttrick is deceased. Kathryn S. Williams is the Successor Trustee under The Barbara H. Buttrick Revocable Trust of 2003, u/d/t dated July 30, 2003. Due to the death of Barbara H. Buttrick, the grantor under the trust, the Trust is terminated and this conveyance is a distribution of the real estate held in the Trust to the beneficiary of the Trust. The consideration paid was less than fair market value. This conveyance is subject to the minimum transfer stamps of \$40.00 as required under the New Hampshire Code of Administrative Rules, Department of Revenue Administration, Part Rev. 802.02.

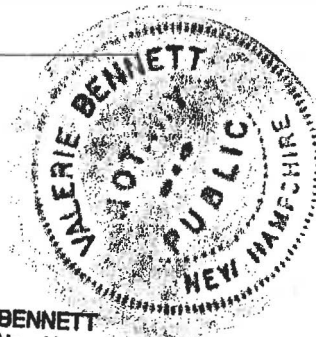
Dated this 30 day of July, 2012.


 Kathryn S. Williams, Successor Trustee

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

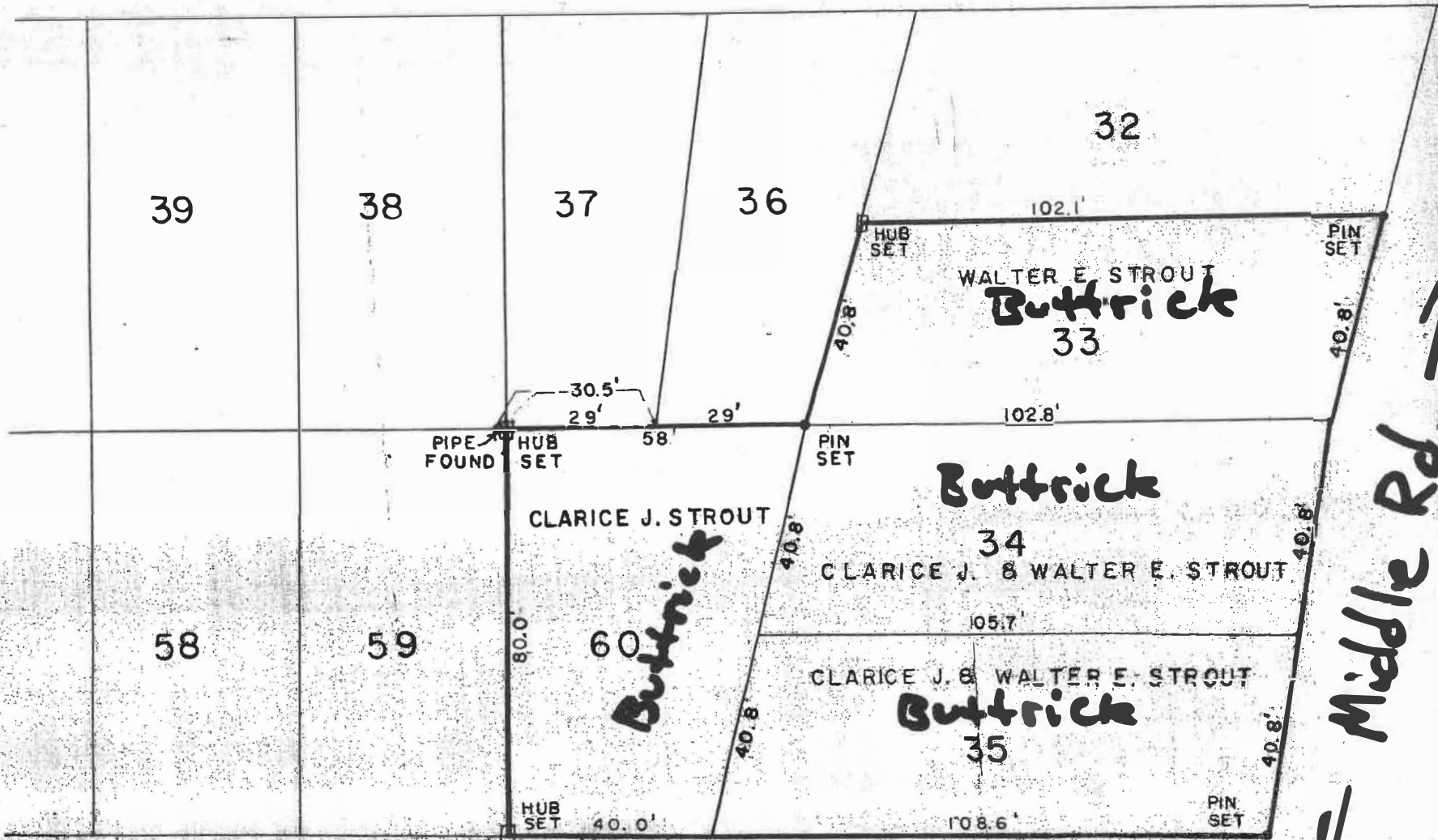
This instrument was acknowledged before me on the 30 day of
July, 2012, by Kathryn S. Williams.

Valerie Bennett
Notary Public
My Commission Expires:
Seal:



VALERIE BENNETT
Notary Public - New Hampshire
My Commission Expires August 10, 2016

LEAVITT AVE.



← Middle Rd. →
MIDDLE C.

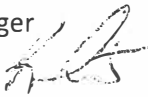
WOODWORTH AVE.



CITY OF PORTSMOUTH

Assessors Office

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
Tel: (603) 610-7249 – Fax: (603) 427-1579

To: Dexter Legg, Chair Planning Board
Cc: Karen S. Conard, City Manager
From: Rosann Lentz, City Assessor 
Date: April 22, 2021
RE: City Council Referral- Request of Restoration of Involuntarily Merged Lots to pre-merger status at 900 Middle Rd

At its meeting on February 9, 2021, the City Council considered a request from Kathryn S. William, ESQ on behalf of the property owners of 900 Middle Rd, requesting the restoration of involuntarily merged lots at 900 Middle Road to their pre-merger status pursuant to NH RSA 674:39-aa. These lots are represented as historical lot numbers 33, 34, 35 and 60. The Council voted to refer to the Planning Board and Assessor for report back (See Attachment #1).

Description

The subject parcel is depicted on the attached tax maps from Tax Year 1961 identified on Plan 66 Lots 33, 34, 35 and 60; from Tax Year 2020 they are identified as Map 232 Lot 80 (See Attachment #2).

Current assessment records identify the parcel as having .378 +/- acres with a 3 bedroom 1.5 bath single family dwelling built around 1948 located on the parcel. Older assessment records identified the parcel as 3 separate lots until 1972 (See Attachment #3).

History

Deeds: According to the deeds researched back to 1950, 900 Middle Road was identified as 4 lots being Lot numbers 33, 34, 35, and 60. Lot 33 was described by metes and bounds, Lots 34 and 35 were identified together based on the Prospect Park Plan having a dwelling thereon and lot 60 was described individually again with a lot reference in the Prospect Park Plan (See Attachment #4).

Recorded deeds in the chain of title between 1971 and 2011 & 2012 along with a mortgage deed recorded in 1971 changed the property description. These deeds describe the 4 lots into one lot per metes and bounds (See Attachment #5).

Property Assessment Records: Between 1953 and 1971 property assessment records show lots 33 and 60 separately assessed. In 1962, lots 34 and 35 were combined and assessed as one, matching the description of the lots within Book 1157 Page 292 (See Attachment #3).

Assessment records indicate for Tax Year 1972, the assessor merged lot 33 with previously merged lots 34 and 35; this is noted on the assessment records (See Attachment #3-A). Assessment records indicate for Tax Year 1983 lot 60 was merged with the others (See Attachment #3-B).

Building Inspection/Planning Records

In 2006 Barbara Butterick requested and was approved for an additional driveway permit/access to the dwelling located at 900 Middle Rd. The request represented lots 33, 34, and 35 as a single lot with a curb cut off of Middle Road located on lot 33 (See Attachment #6).

Court Decisions

Upon review of various court decisions concerning the denial of restorations of lots, decisions have stated that the fact the lots being described in a single deed with single metes and bounds does not alone support an involuntary merger.

The State of New Hampshire Supreme Court case of Charles A. Roberts v. Town of Windham; Rockingham 165 N.H.186 (2013), agreed with the lower court's decision of voluntary merger. This decision in part looked at the use of the property in its entirety by reviewing a lots physical characteristics and the changes that occurred over time to the placement of buildings, driveways, outbuildings etc. The totality of changes can reasonably support that lots by predecessors or current owners were voluntarily merged when facts show the primary and accessory buildings, access, etc. work as a unit (See Attachment #7).

Summary

Upon review of the property tax maps and aerial images (See Attachment #8) in relation to the location of the dwelling and any supporting access points or outbuildings, lots 33, 34, and 35 are used as a unit. It is a reasonable conclusion these three lots were voluntarily merged when looking at the use of the property in its entirety. Lot 33 had an additional driveway added for parking for the dwelling located on lots 34 and 35 and the dwelling when constructed fell close to the lot lines between lots 33 and 34.

No written request for voluntary merger was found. The New Hampshire Municipal Association has interpreted the above court decision to mean, "Governing bodies and zoning boards of adjustment now know they should review requests to unmerge lots based upon all of the circumstances of actual use of the property, and that the lack of a request to voluntarily merge the lots by the current or former owner will not, standing alone, support such a request" (See Attachment #9).

The taxpayers have requested lots 33, 34, 35 and 60 be unmerged to their premerger boundaries. Based upon my research, it is recommended this request be denied.

Cc: file

Attachments: 9

KATHRYN S. WILLIAMS, ESQ.
K.S.W. LAW
57 Main Street, P.O. Box 836
Epping, New Hampshire 03042
(603) 679-5223
kwilliams@ksw-law.com

August 27, 2012

Todd Buttrick
14 Karlin Road
Fremont, NH 03044

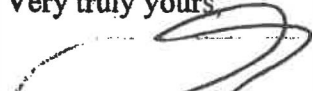
**Re: Transfer of Real Estate
Property in Portsmouth, NH**

Dear Mr. Buttrick:

Enclosed is the original Fiduciary Deed for the above referenced property that was recorded on July 30, 2012 at Book 5345, Page 2869 in the Rockingham County Registry of Deeds. You should retain and store this document in a safe place for later use as needed.

The Declaration of Consideration and Inventory of Property Transfer forms that you previously signed have been completed and mailed for filing in the appropriate town and state offices.

Very truly yours,


Kathryn S. Williams

KSW:vab

CITY OF PORTSMOUTH, NH

APPLICATION FOR RESTORATION OF INVOLUNTARILY MERGED LOTS

PURSUANT TO RSA 674:39-aa

Name of Property Owner(s): Todd A. Buttrick 603-303-7212

Mailing Address: 14 Karlin Rd Fremont N.H. 03044

Telephone Number: 603-303-7212

Email Address: tvtb@comcast.net

Street Location of Parcels Affected by the Requested Restoration:
900 Middle Rd Portsmouth N.H.

Properties Requested to be Restored (attach additional sheet if needed):

Parcel 1

Current Deed Reference: Book 5345 Page 2869 Date Recorded July 30, 2012
~~Book 5290 Page 1010 Date Recorded November 5, 2011~~

Tax Map 232-80 Lot Number 33, 34, 35, 60

Parcel 2

Current Deed Reference: Book _____ Page _____ Date Recorded _____

Tax Map _____ Lot Number _____

Parcel 3

Current Deed Reference: Book _____ Page _____ Date Recorded _____

Tax Map _____ Lot Number _____

Please state when you believe the involuntary merger took place:

I do not know

Signature(s) of Property Owner(s):

Signature: [Handwritten Signature] Name: Todd A. Buttrick Date: 1/15/2021

Signature: _____ Name: _____ Date: _____

176

(No revenue stamps required)

1157 292

Know All Men by these Presents,

That I, M. Thelma Crowell of Portsmouth, in the County of Rockingham and
of New Hampshire,

for and in consideration of the sum of ----- One -----
hand before the delivery hereof, well and truly paid by Walter E. Strout and Clarice J. Strout
said Portsmouth,

the receipt whereof I do hereby acknowledge, have remised, released and forever quitclaimed and by
as JOINT TENANTS with right of survivorship, and not as tenants in common
remise release and forever quitclaim unto the said grantees/ and in his/ heirs and assigns forever,
or her

A certain lot or parcel of land in Portsmouth, New Hampshire containing
Ninety-Seven (4097) square feet, more or less, and further described as
That lot or parcel of land on Middle Road, and being Lot No. 33 on
the City of Portsmouth Assessors' Office, having a frontage on said Mid-
and eight tenths (40.8) feet; one hundred two and one tenth (102.1) feet
one Harry Caswell, forty and eight tenths (40.8) feet along land now or
one Catherine Carty; and one hundred two and eight tenths (102.8) feet
grantee herein.

Also two certain lots or parcels of land, together with the dwelli-
situate in said Portsmouth and more particularly described as Lots Num-
(34) and Thirty-Five (35) in Prospect Park Tract, the size and location
in accordance with a Map or Plan of said Tract now on file in the Regis-
said County of Rockingham, to which said Plan reference is made for a m-
description.

Also a certain lot, piece or parcel of land situated in said Ports-
particularly described as Lot Number Sixty (60) in the "Prospect Park"
same in size and location to be in accordance with the map or plan of s-
on file at the Registry of Deeds in and for said Rockingham County to w-
is hereby made for a more complete description, together with the build-

Being the same premises conveyed to me by deed of Clarice J. Strout, of
be recorded herewith.

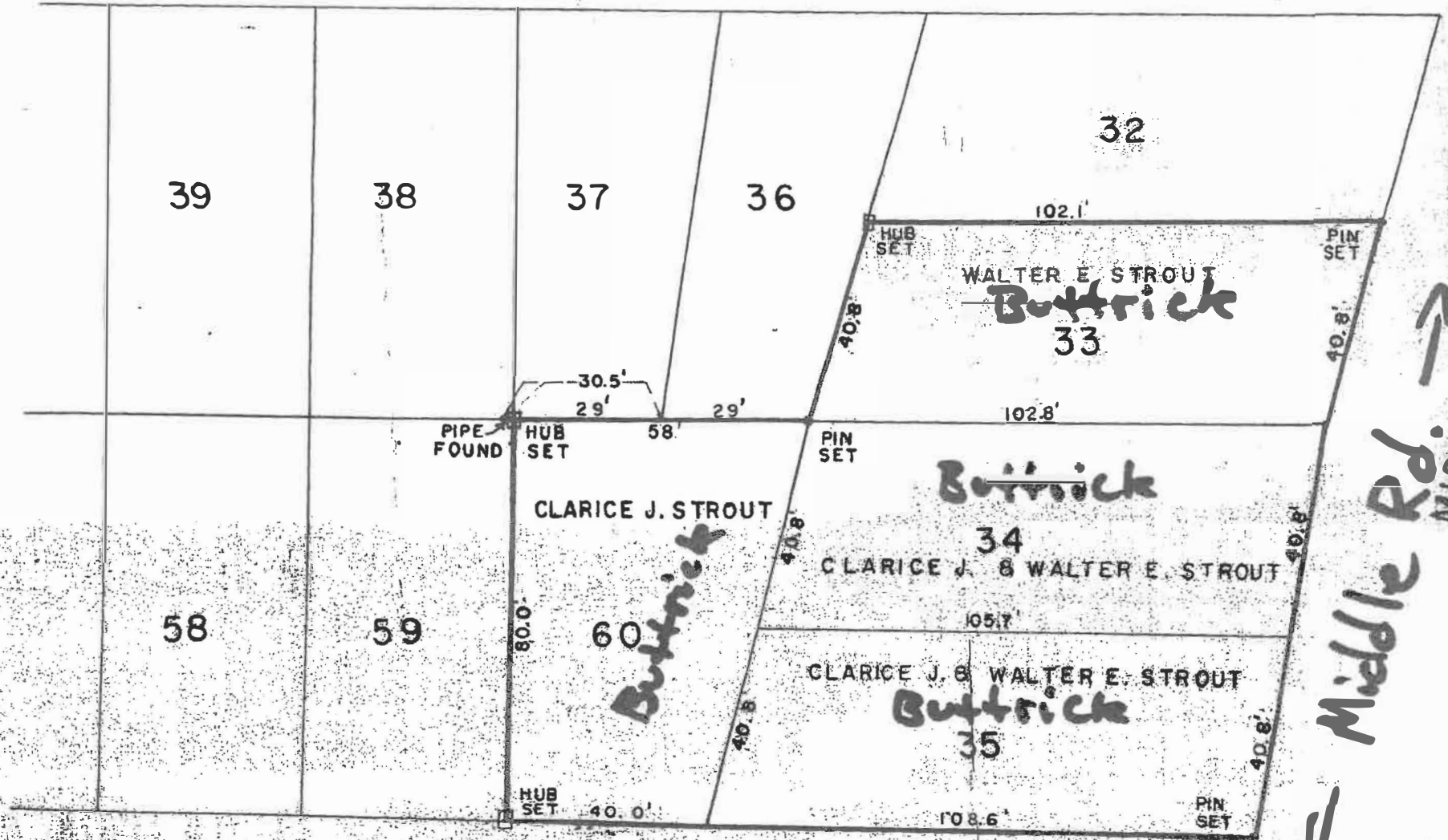
Subject to a mortgage to the Piscataqua Savings Bank, dated July 20, 19
in Rockingham Registry, of Deeds.

To have and to hold the said premises, with all the privileges and appurtenances thereto, to
as JOINT TENANTS with right of survivorship and not as tenants in common
grantee s/and in his/ heirs and assigns forever. And I do hereby covenant with the said grantee
warrant and defend the said premises to them the said grantee s/and in his/ the survivor and his or her
heirs and assigns, against
and demands of any person or persons claiming by, from or under me, except as aforementioned.

And, I have no husband. NO CERTAIN
for the consideration of the said deed to be received by me of the premises, by him or her
and interest

In witness whereof, I have hereunto set my hand and seal this
day of January in the year of our Lord 19 50. S. C.

LEAVITT AVE.

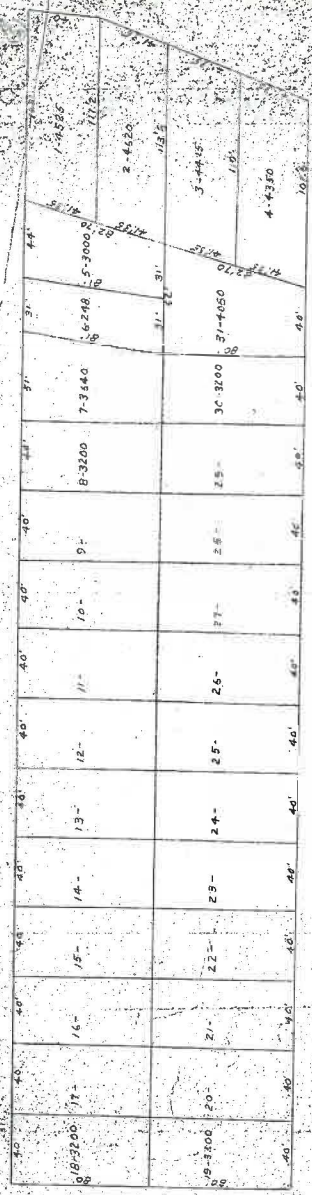


WOODWORTH AVE.

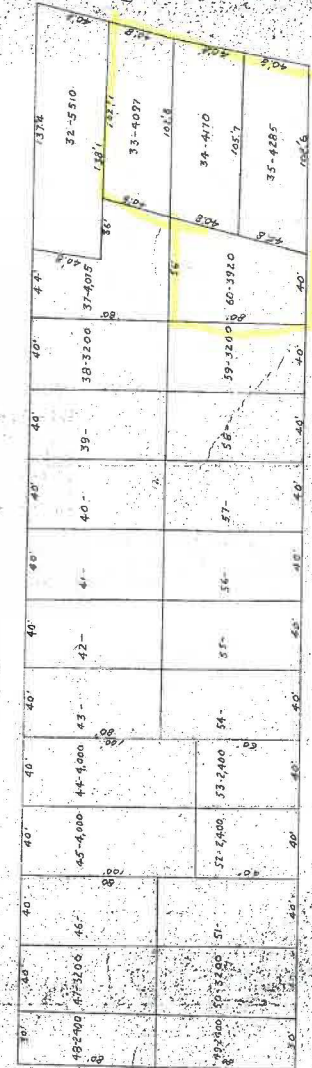
Middle Rd. ↑
MIDDLE

99

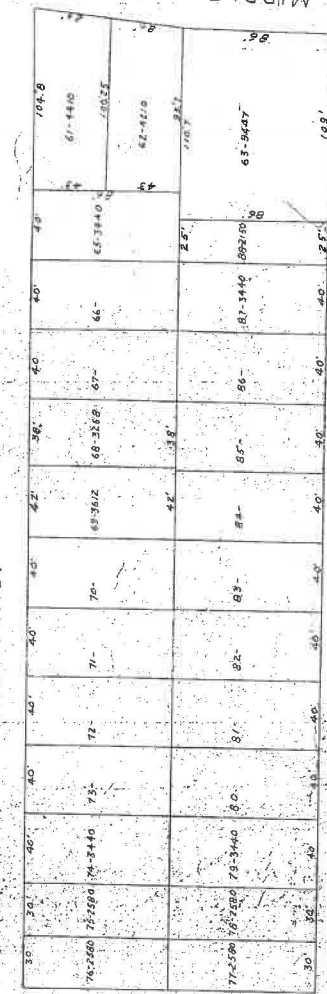
PEVERLY HILL ROAD



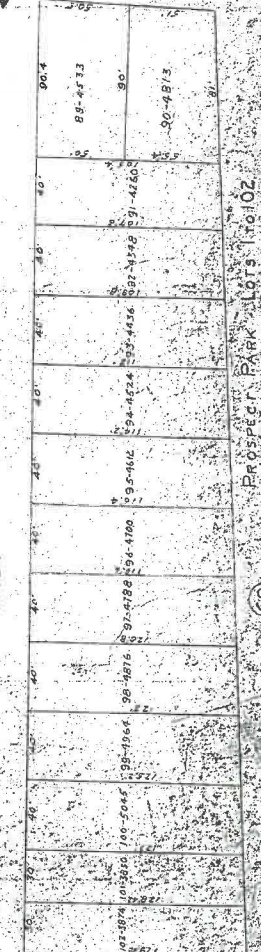
LEAVITT AVE.



WOODWORTH AVE.

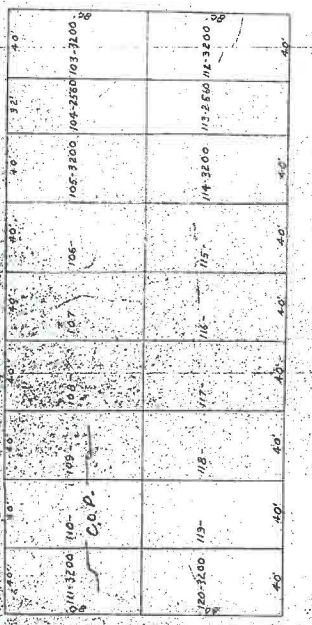


SWEAT AVE.

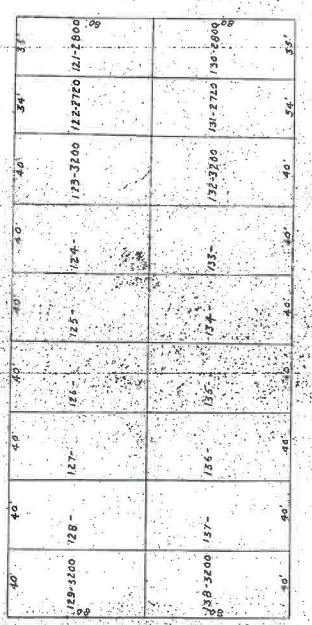


99

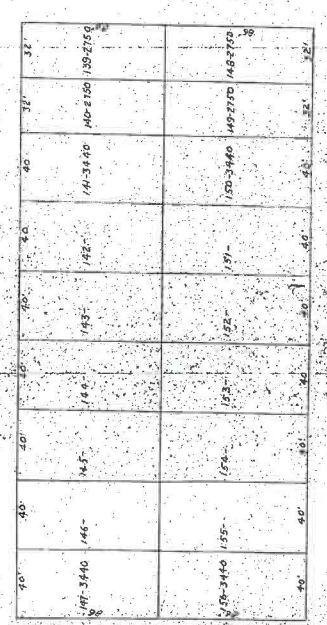
McCLINTOCK



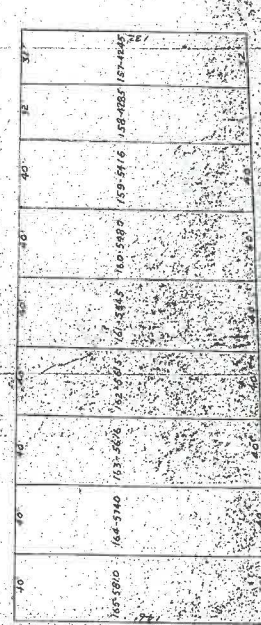
MOFFATT



McCLINTOCK



MOFFATT



223

67

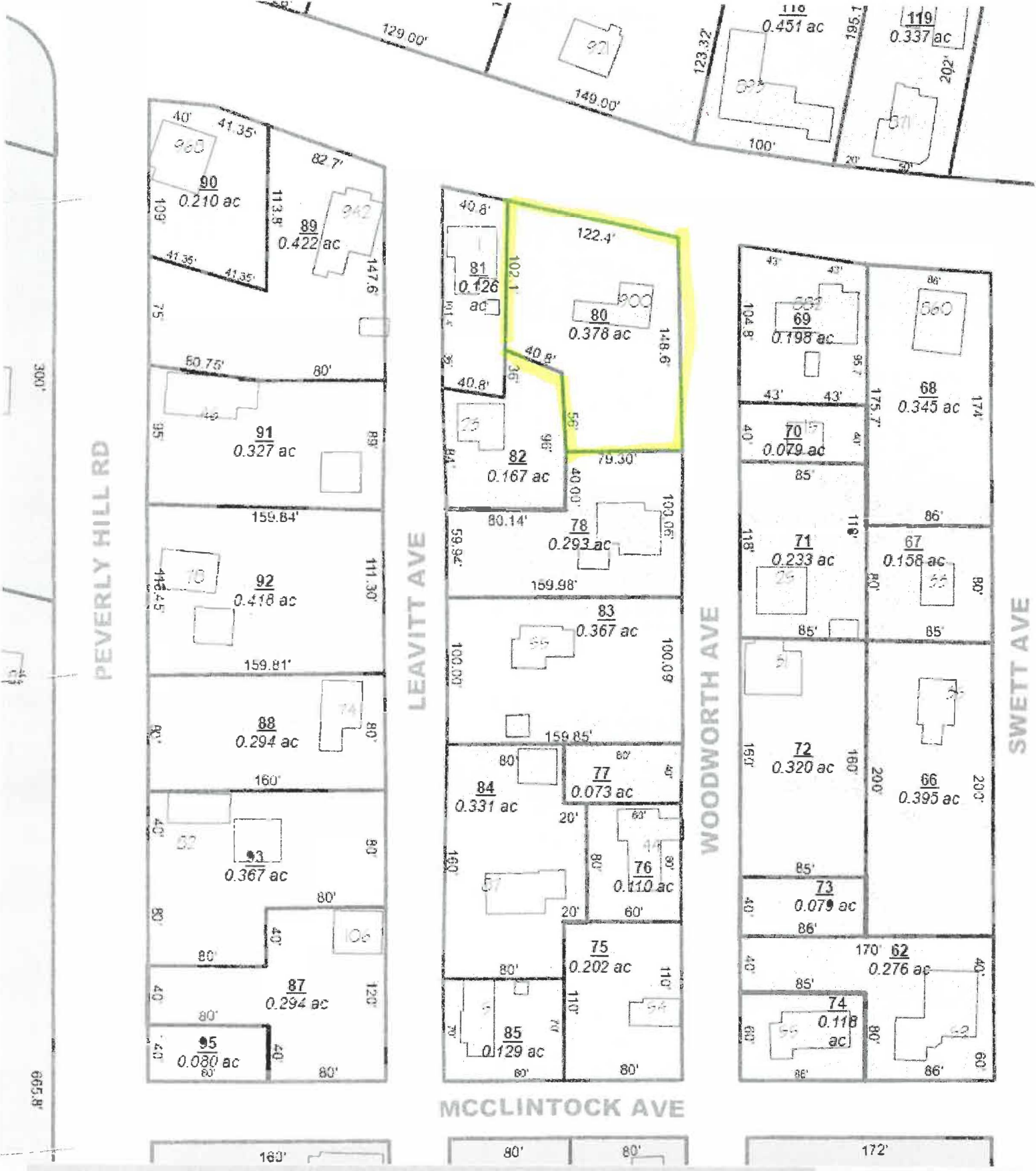
Lot Plan No. 66
 PORTSMOUTH, NH
 SCALE: 1" = 40'
 REFERENCE MAP

Prospect Park Lots 101-102
 103-105 Annex No. 1

69

65

Portion of
Tax Map
232



CURRENT OWNER				TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT				
BUTTRICK TODD				1 Level	0 All Public	1 Paved		Description	Code	Assessed	Assessed	2229
14 KARLIN RD						8 2+ Off-St PKG		RESIDENTL	1010	187,700	187,700	
FREMONT NH 03044				SUPPLEMENTAL DATA				RES LAND	1010	169,700	169,700	PORTSMOUTH, NH
Alt Prcl ID 0232-0080-0000-0000 OLDACTN 12460 PHOTO WARD PREC. 1/2 HSE GIS ID 30225				CONDO C INLAW Y/ LOT SPLIT 2015 Reva JM Ex/Cr Appli Assoc Pid#								
									Total	357,400	357,400	

VISION

RECORD OF OWNERSHIP								BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)									
BUTTRICK TODD								5345	2869	08-15-2012	U	I	0	81	Year	Code	Assessed	Year	Code	Assessed V	Year	Code	Assessed
BUTTRICK BARBARA H REVO TRUST								5260	1861	11-10-2011	U	I	0		2020	1010	187,700	2019	1010	187,700	2019	1010	187,700
BUTTRICK BARBARA H								2077	0141				0		1010	169,700		1010	169,700		1010	169,700	
														Total	357400	Total	357400	Total	357400	Total	357400		

EXEMPTIONS				OTHER ASSESSMENTS				
Year	Code	Description	Amount	Code	Description	Number	Amount	Comm Int
Total			0.00					

ASSESSING NEIGHBORHOOD				
Nbhd	Nbhd Name	B	Tracing	Batch
125				

This signature acknowledges a visit by a Data Collector or Assessor

APPRAISED VALUE SUMMARY	
Appraised Bldg. Value (Card)	187,700
Appraised Xf (B) Value (Bldg)	0
Appraised Ob (B) Value (Bldg)	0
Appraised Land Value (Bldg)	169,700
Special Land Value	0
Total Appraised Parcel Value	357,400
Valuation Method	C
Total Appraised Parcel Value	357,400

NOTES

01/13- CORR SIZE TO 22X28 ON SKTCH; ADD
 UBM UNDER 11X30; UPD WIND; UBM WALKOUT;
 ONLY INSP RENTAL UNIT, 1 BD, 1 BTH; KIT-
 CHENETTE; ELEC HEAT

APPT LETTER 1/25/13

BUILDING PERMIT RECORD								
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments
11673	10-25-2002			12,720		100		VINYL SIDING

VISIT / CHANGE HISTORY					
Date	Id	Type	Is	Cd	Purpost/Result
06-28-2017	PM			FR	Field Review Stat Update
02-12-2015	DG			FR	Field Review Stat Update
01-30-2013	JM			10	Measu/LtrSnt Letter Sent
07-30-2003	RM		0	2	No one home
04-26-2001	CM		0	2	No one home

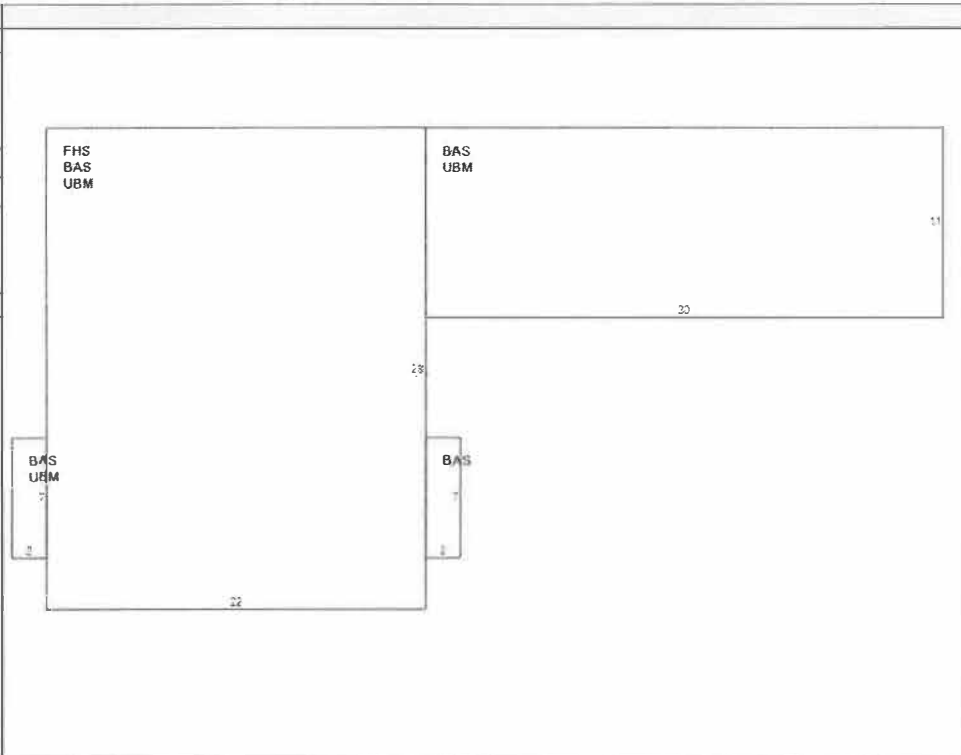
LAND LINE VALUATION SECTION																
B	Use Code	Description	Zone	Frontage	Depth	Land Units	Unit Price	Size Ad	Site	Cond.	ST Idx	S.I. Adj.	Notes- Adj	Special Pricing	Adj Unit P	Land Value
1	1010	SINGLE FAM M	SRB			16,472 SF	10.13	1.0000	1	0.90	125	1.130	-10% TRAFFIC	1.0000	10.3	169,700

2

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Style:	04	Cape Cod			
Model	01	Residential			
Grade:	C	C			
Stories:	.5				
Occupancy	1				
Exterior Wall 1	25	Vinyl Siding			
Exterior Wall 2					
Roof Structure:	03	Gable/Hip			
Roof Cover	03	Asph/F Gls/Cmp			
Interior Wall 1	05	Drywall/Sheet			
Interior Wall 2					
Interior Flr 1	12	Hardwood			
Interior Flr 2	14	Carpet			
Heat Fuel	02	Oil			
Heat Type:	05	Steam			
AC Type:	01	None			
Total Bedrooms	03	3 Bedrooms			
Total Bthrms:	1				
Total Half Baths	1				
Total Xtra Fixtrs	0				
Total Rooms:	7				
Bath Style:	1	Avg Quality			
Kitchen Style:	1	Avg Quality			
Kitchen Gr					
WB Fireplaces	0				
Extra Openings	0				
Metal Fireplace	0				
Extra Openings	0				
Bsmt Garage	1				

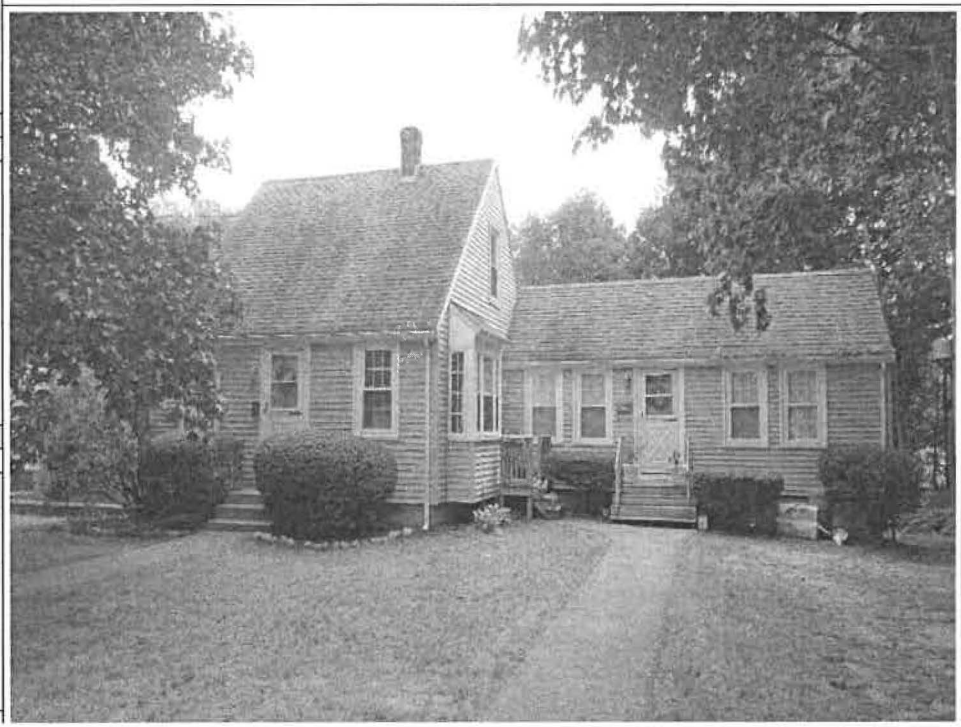
MIXED USE		
Code	Description	Percentage
1010	SINGLE FAM MDL-01	100
		0
		0

COST / MARKET VALUATION		
Adj. Base Rate		153.39
Building Value New		226,104
Year Built		1948
Effective Year Built		2002
Depreciation Code		VG
Remodel Rating		
Year Remodeled		
Depreciation %		17
Functional Obsol		
External Obsol		
Trend Factor		1
Condition		
Condition %		
Percent Good		83
RCNLD		187,700
Dep % Ovr		
Dep Ovr Comment		
Misc Imp Ovr		
Misc Imp Ovr Comment		
Cost to Cure Ovr		
Cost to Cure Ovr Comment		



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	Unit Price	Yr Bilt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BAS	First Floor	974	974	974	153.39	149,407
FHS	Half Story, Finished	308	616	308	76.70	47,246
UBM	Basement, Unfinished	0	960	192	30.68	29,452
TH Gross Liv / Lease Area		1,282	2,550	1,474		226,105



G.ay

OCCUPANCY				INTERIOR FINISH				COMMERCIAL COMPUTATIONS					
1 VAC. LOT	2 DWELLING	3 OTHER		B	1	2	3	EXTERIOR WALL CODES					
					✓	✓		1 BRICK	3 GLASS	5 STUCCO	7 STONE	9 CONCRETE	
STORY HEIGHT				WOOD PANELING				EXTERIOR WALLS					
1.0	1.5	2.0	2.5	3.0				2 FRAME	4 BLOCK	6 TILE	8 METAL	0 ENAM. STL.	
BASEMENT				FIBERBOARD				EFF. PERIMETER					
1 NONE	2 CRAWL	3 PART	4 FULL	UNFINISHED				PERIM.-AREA RATIO %					
HEATING				LIVING ACCOMMODATIONS				NO. OF UNITS					
				NO. OF UNITS	TOTAL ROOMS	BED ROOMS	FAMILY ROOMS	AVG. UNIT SIZE					
				0	0	0	2	BASEMENT SIZE					
OTHER FEATURES				SCHEDULE				HT.					
1 NONE	2 BASE	3 AIR CON		PART MASONRY WALLS				BASEMENT					
WARM AIR - F OR G				FIREPLACE				FIRST					
HOT WATER/STEAM				BASEMENT REC. ROOM				SECOND					
ELECTRIC				FIN. BASEMENT LIVING AREA									
FLOOR/WALL FURNACE				BASEMENT GARAGE									
UNIT HEATERS				MODERNIZED KITCHEN									
PLUMBING				BASE PRICE				B. P. A.					
PLUMBING POINTS				REMODELING DATA				SUBTOTAL					
STANDARD				YEAR		HEATING	YEAR	LIGHTING					
BATHROOM						GENERAL		HTG./AIR CON.					
HALF BATH				ERECTED	1949	AGE		SPRINKLER					
SINK/LAVATORY				CDU RATING		A/F		PARTITIONS					
WATER CLOSET/URINAL				DWELLING COMPUTATIONS				INTERIOR FINISH					
NO PLUMBING				1.0 STORY				SF/CF PRICE					
ATTIC				0.616 S.F.				AREA CUBE					
1 NONE	2 UNFIN	3 PT. FIN		30,006				SUBTOTAL					
4 FULL FIN	5 FULL FIN/WH							SPECIAL FEATURES*					
ROOF				BASEMENT				ADDITIONS					
SHINGLE - ASP./ASB./WOOD				HEATING				TOTAL BASE					
SLATE/TILE/METAL				PLUMBING				GRADE FACTOR					
				+ 800				REPLACEMENT COST					
				ATTIC				FUNCTIONAL DEPRECIATIONS FACTORS					
				+ 3,740				SURPLUS CAP					
COMP. ON WOOD FRAME				ADDNS. & PCHS.				ENCROACHMENTS					
COMP. ON STEEL FRAME				+ 10,400				COMM. LOCATION					
WALLS				TOTAL				OBSOLESCENCE					
FRAME-SIDING/ALUM./VINYL/STUCCO				44,946				ECONOMIC					
SHINGLE - ASP./ASB./WOOD				D. F. POINTS									
CONCRETE BLOCK				[]									
BRICK VENEER/STONE				TOTAL									
				44,946									
PLATE GLASS FRONT				GRADE									
				100									
FLOORS				TOTAL									
				44,946									
CONCRETE				C & D FACT. %				[H] 0.5					
WOOD				REPL. COST				47,193					
TILE				DEPR.				30% 70					
CARPET				TRUE VALUE				33,000					
WD./STL. FRAME													
REINF. CONC.													

OCCUPANCY			
SINGLE FAMILY	✓	STORES	
MULTI FAMILY		OFFICES	✓
APARTMENTS			

SPECIAL FEATURES FOR COMMERCIAL BUILDINGS			
CONTEMPORARY	SPLIT LEVEL	RANCH	COLONIAL
CAPE			
QTY.	ITEM DESCRIPTION	A	PRICE
7	PLUMBING FIXTURES		
	STORE FRONT		
TOTAL SPECIAL FEATURES*			

SUMMARY OF OTHER BUILDINGS										
TYPE	NO.	CONSTRUCTION	SIZE	RATE	GRADE	ERECTED	CDU	REPLACEMENT COST	DEPR.	TRUE VALUE
GARAGE										
BARN										
SHED										
POOL										
COMM. BLDG.										
LISTED	b. n.	DATE	12/3/81	TOTAL OF CARDS _____ THRU _____						
DATE		TOTAL VALUE ALL BUILDINGS 33000								

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

1002

PROPERTY OWNER BUTTRICK/MAURICE R & BARBARA H 900 MIDDLE ROAD 39 MILBERN AVE HAMPTON PORTSMOUTH NH 03840	PROPERTY LOCATION 900 MIDDLE ROAD CITY OF PORTSMOUTH N.H. JOHN B. PETTY CAE, ASSESSOR	SIDE W	LOCATION CODE / / / /	PLAN LOT 066 035 R 32 080
		TYPE RESD	PROJECT 31001	CONTROL NO 1903066003500
		CARD 1 OF 1		

REMARKS-1
ALSO INCLUDES LOTS 33, 34
SALE PRICE INCLUDES 33,
34, AND LOT 60

RECORD OF TRANSFER	DATE	BOOK	PAGE	AMOUNT	MORTGAGE
1 STROUT/C J	62571	2077	141	17800	
2					
3					
4					
5					
6					
7					

LAND FACTORS			LAND IMPROVEMENTS			SUMMARY	
TOPOGRAPHY-1 LEVEL	LOCATION DRAINAGE	FAIR + GOOD				19 LAND BLDGS TOTAL	4300
IMPROVEMTS-1 C WATER	ZONING	02				19 LAND BLDGS TOTAL	14600
-2 SEWER	NEIGHBORHOOD	STATIC				19 LAND BLDGS TOTAL	18900
-3 ELEC	SOIL-1	SANDY					
STREET/RD-1 IMPROVE	-2	LOAM	VALUE	EQ	ASSESSMENT		

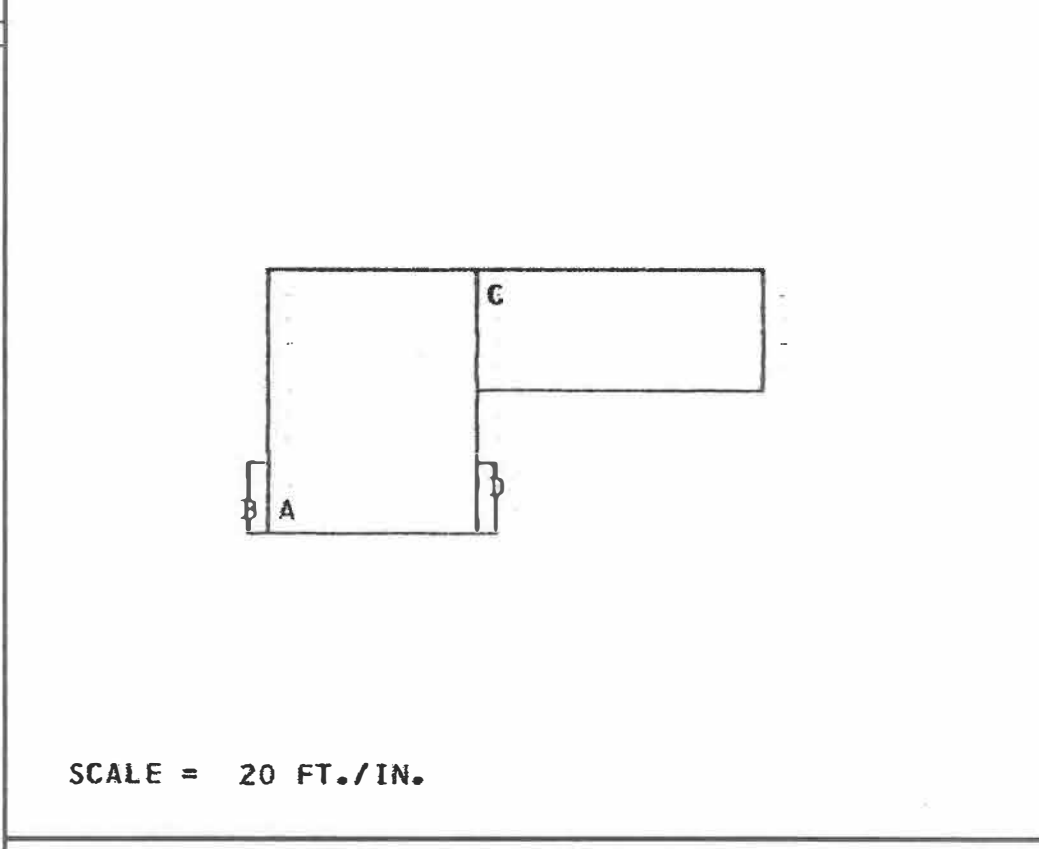
ACREAGE COMPUTATION								
TYPE	ACRES	PRICE	TOTAL	DEPR	VALUE	EQ	ASSESSMENT	
1 H-LOT 54 A	.290	8000	4320		4320	100	4300	19 LAND BLDGS TOTAL
2								19 LAND BLDGS TOTAL
3								19 LAND BLDGS TOTAL
4								19 LAND BLDGS TOTAL
5								19 LAND BLDGS TOTAL
6								19 LAND BLDGS TOTAL
	.290		ACREAGE TOTAL		4320	100	4300	19 LAND BLDGS TOTAL

LOT COMPUTATION												
FRONT	REAR	FRONTAGE	DEPTH	STREET PRICE	DEPTH %	ADJ FR PR	TOTAL	DEPRECIATION	CORNER	VALUE	EQ	ASSESSMENT
1												
2												
3												
4												

LOT TOTAL												
LAND TOTAL										4320	100	4300

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CONTROL NO.	STRUCTURE VALUE
	STRUCTURAL ELEMENTS PRICE
190 3066003500	BASE. A CAPE COD 616SF 11870
	FOUNDATION. CONC BLK WALLS
	EXT WALLS. FRAME ALUM/VINYL 230
	INSULATION. BLANKET
	ROOF. GABLE ASPH SHG
	BASEMENT. FULL CONCRETE FLOOR
	FLOORS. 1 HARDWD
	INT FIN. 1 DRY W
	ROOMS. LAYOUT G COND G
	ATTIC. FULL AT STAIR FULL FLR 2220
	HEAT. 1 H-W CAST 950
	PLUMBING. BATH 1 TOILET R 1 390
	SINK 1
	TILE. NONE
	DORMERS. NONE
SEG. B ADDITION 14SF 326	
C U-BSMT. ADD 360SF 5382	
D ADDITION 14SF 326	
SUB TOTAL FACTOR 21694	



A 28-22-28-22						DIMENSIONS	
SEG	TYPE	STOR	CONS	CLASS			
B	01	1.0	FRAM	3	2-7-2-7		
C	04	1.0	FRAM	3	30-12-30-12		
D	01	1.0	FRAM	3	2-7-2-7		

OCCUPANCY	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	1.0S FR B A	3	1940	NO	G	21694	25	16270	10	14643	100	14600		
													LISTED DATE	LISTER
													09/16/71	1577
													SIGNATURE	REVIEW
													X SIGNED	2735

© UNITED APPRAISAL CO. **BUILDING TOTAL 14643 100 14600**

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

PLAN	LOT	RECORD OF OWNERSHIP	DATE OF TRANSFER	SALE PRICE, IF KNOWN	ASSESSMENT RECORD							
66	33											
ADDRESS: Middle Rd.					1951							
DESCRIPTION: L.					1951							
					1951							
					LAND	900						
					BLDGS.	400						
					TOTAL	1300						
					TOTAL	1300						
Maurice R & Barbara H Buttrick					63							
2077/141					1963							
6/25/71					1963							
see 35					1963							
XX					1963							
RURAL PROPERTY					1963							
PROPERTY FACTORS					1963							
LAND VALUE COMPUTATIONS AND SUMMARY					1963							
OWNERS PREVIOUS TO 1851					1963							
TOPOGRAPHY	LEVEL	ROLLING	LEDGE	CLASSIFICATION	NO. OF ACRES	RATE	TOTAL	NAME	DATES	ASSESSMENTS	1963	
SOIL TYPE	LOAM	SAND	CLAY	TILLABLE				Clarence J. Strout	8-29-45	1032-2	1963	
LAND CLASS	GOOD	FAIR	POOR	PASTURE				Walter E. Strout	7-3-45	907/105	1963	
DRAINAGE	GOOD	FAIR	POOR	WOODED				City of Ports	5/31/50		1963	
WATER SUPPLY	GOOD	FAIR	POOR	WASTE LAND				William P. H. ...			1963	
FENCES	GOOD	FAIR	NONE	TOTAL ACREAGE							1963	
ELECTRICITY	YES	NO		TOTAL VALUE LAND							1963	
TELEPHONE	YES	NO		TOTAL VALUE BUILDINGS							1963	
ROAD	PAVED	IMPR.	DIRT	TOTAL VALUE LAND & BUILDINGS							1963	
REMARKS											1963	
URBAN PROPERTY					1963							
PROPERTY FACTORS					1963							
LAND VALUE COMPUTATIONS AND SUMMARY					1963							
TOPOGRAPHY	IMPROVEMENTS	FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE	TOTAL				1963	
LEVEL	WATER	40		10 ⁰⁰			400				1963	
HIGH	SEWER											1963
LOW	GAS											1963
ROLLING	ELECTRICITY											1963
SWAMPY	ALL UTILITIES											1963
	GARBAGE DISPOSAL											1963
STREET	TREND OF DISTRICT											1963
PAVED	IMPROVING											1963
SEMI-IMPROVED	STATIC											1963
DIRT	DECLINING											1963
SIDEWALK												1963
TOTAL VALUE LAND												1963
TOTAL VALUE BUILDINGS												1963
TOTAL VALUE LAND & BUILDINGS												1963

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

PLAN 66	LOT 34	RECORD OF OWNERSHIP	DATE OF TRANSFER	SALE PRICE IF KNOWN	ASSESSMENT RECORD
ADDRESS <i>Middle St</i>					
DESCRIPTION <i>6.</i>					
					1951
					1953
					1959
					1962
					1966
					1967
					1968
					1969
					1970
					1971
					1972
					1973
					1974
					1975
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					2016
					2017
					2018
					2019
					2020
					2021
					2022
					2023
					2024
					2025

Maurice R & Barbara H Buttrick 2077/141 6/25/71 see 35
12-17-43 6.05

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	LQAM	SAND	CLAY	TILLABLE						
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										

988-191 **Robert M. Haines** 7-24-41
John B. Ladd 1921 200
Janie L. Reed 1917 100
Wm C. Reed 1918 100

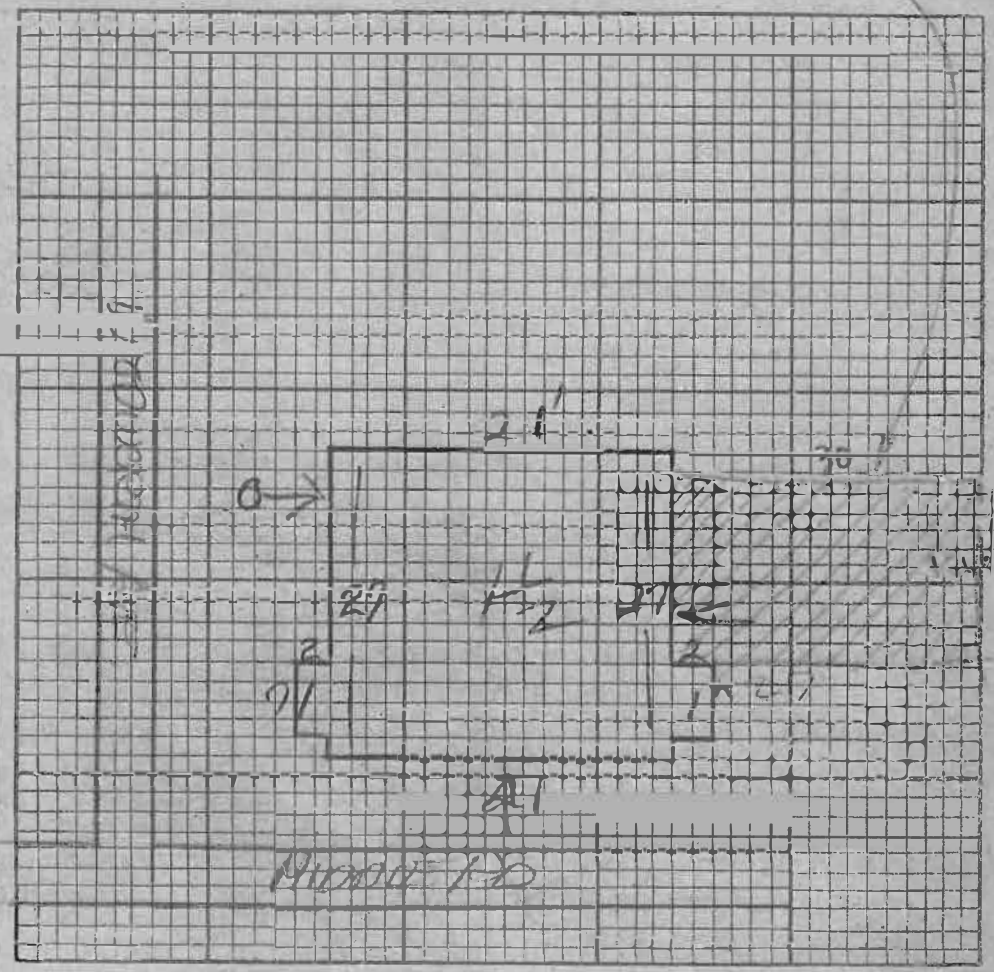
URBAN PROPERTY

PROPERTY FACTORS			LAND VALUE COMPUTATIONS AND SUMMARY					
TOPOGRAPHY	IMPROVEMENTS		FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE	TOTAL
LEVEL	WATER							
HIGH	SEWER		40		10 ⁰⁰			400
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					
			TOTAL VALUE LAND & BUILDINGS					

RECORD OF BUILDINGS

NEW CONST. In 54

CONSTRUCTION		FLOORS				NOTES—SPECIAL EQUIPMENT
OCCUPANCY		B	1	2	3	
SINGLE FAMILY	<input checked="" type="checkbox"/>	CEMENT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		COMPUTATIONS
TWO FAMILY		EARTH				
APARTMENT		PINE				
STORE		HARDWOOD				
THEATRE		ATTIC FL. & STRS.				1ST 570 S.F. @ 4 2300
HOTEL						2ND 280 S.F. @ 4 1100
OFFICES						S.F. @
WAREHOUSE						Side Projections 300
COMM. GARAGE		INTERIOR FINISH				Cor. 100
GAS STATION			B	1	2	3
FOUNDATION		PINE				
CONCRETE		HARDWOOD				
CONCRETE BLOCK	<input checked="" type="checkbox"/>	PLASTER				
BRICK OR STONE		UNFINISHED	<input checked="" type="checkbox"/>			
PIERS		METAL CLG.				
CELLAR AREA FULL		RECREAT ROOM				
NO. CELLAR		FINISHED ATTIC				
		FIREPLACE				
EXTERIOR WALLS		HEATING				
CLAPBOARDS		PIPELESS FURNACE				
WIDE SIDING		HOT AIR FURNACE				
DROP SIDING		FORCED AIR FURN.				
NO SHEATHING		STEAM				
WOOD SHINGLES	<input checked="" type="checkbox"/>	HOT WAT. OR VAPOR				
ASBES. SHINGLES		NO HEATING				
STUCCO ON FRAME		PLUMBING				
STUCCO ON TILE		BATHROOM				
BRICK VENEER		TOILET ROOM				
BRICK ON TILE		WATER CLOSET				
SOLID BRICK		KITCHEN SINK				
STONE VENEER		STD. WAT. HEAT				
CONC. OR CIND. BL.		AUTO. WAT. HEAT				
TERRA COTTA		ELECT. WAT. SYST.				
VITROLITE		LAUNDRY TUBS				
PLATE GLASS		NO PLUMBING				
INSULATION		TILING				
WEATHERSTRIP		BATH FL. & WCOT.				
		TOILET PL. & WCOT.				
ROOFING		LIGHTING				
ASFH. SHINGLES	<input checked="" type="checkbox"/>	ELECTRIC				
WOOD SHINGLES		NO LIGHTING				
ASBES. SHINGLES		NO. OF ROOMS				
SLATE		1ST				
TILE		2ND				
METAL		3RD				
COMPOSITION						
ROLL ROOFING						
INSULATION						



SUMMARY OF BUILDINGS

OCCUPANCY	TYPE	GRADE	AGE	DATE REMOD.	COND.	REPL. VAL.	PHYS. DEPR.	PHYS. VALUE	FUNCT. DEPR.	SOUND VALUE
						4000	20%	3200		
								1000		
								4200		

GRADE DENOTES QUALITY OF CONSTRUCTION:— A—EXCELLENT; B—GOOD; C—AVERAGE; D—CHEAP; E—VERY CHEAP

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

PLAN **66** LOT **60** RECORD OF OWNERSHIP DATE OF TRANSFER SALE PRICE IF KNOWN ASSESSMENT RECORD

ADDRESS *Woodworth Ave.*

DESCRIPTION

1951	LAND	
	BLDGS.	
	TOTAL	20
59	LAND	100
	BLDGS.	
	TOTAL	100
76	LAND	200
	BLDGS.	
	TOTAL	200
77	LAND	300
	BLDGS.	
	TOTAL	300

56
30 3920 81
443
WOODWORTH AVE

Maurice R & Barbara H Buttrick W 2077/141 6/25/71 see 35
Charles 060-115 4-9-47 xx

RURAL PROPERTY

PROPERTY FACTORS				LAND VALUE COMPUTATIONS AND SUMMARY				OWNERS PREVIOUS TO 1951		
TOPOGRAPHY	LEVEL	ROLLING	LEDGE	CLASSIFICATION	NO. OF ACRES	RATE	TOTAL	NAME	DATES	ASSESSMENTS
SOIL TYPE	LOAM	SAND	CLAY	TILLABLE				<i>Chas. Carthy</i>		
LAND CLASS	GOOD	FAIR	POOR	PASTURE						
DRAINAGE	GOOD	FAIR	POOR	WODDED					<i>1914-60</i>	
WATER SUPPLY	GOOD	FAIR	POOR	WASTE LAND					<i>1908-75</i>	
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 FT. PRICE	TOTAL	
LEVEL	WATER								
HIGH	SEWER		40		250			100	
LOW	GAS								
ROLLING	ELECTRICITY								
SWAMPY	ALL UTILITIES								
	GARBAGE DISPOSAL								
STREET	TREND OF DISTRICT								
PAVED	IMPROVING							100	
SEMI-IMPROVED	STATIC								
DIRT	DECLINING								
SIDEWALK									

1951	LAND	
	BLDGS.	
	TOTAL	20
59	LAND	100
	BLDGS.	
	TOTAL	100
76	LAND	200
	BLDGS.	
	TOTAL	200
77	LAND	300
	BLDGS.	
	TOTAL	300
	LAND	
	BLDGS.	
	TOTAL	
	LAND	
	BLDGS.	
	TOTAL	
	LAND	
	BLDGS.	
	TOTAL	
	LAND	
	BLDGS.	
	TOTAL	

RECORD OF BUILDINGS

CONSTRUCTION					NOTES—SPECIAL EQUIPMENT										
OCCUPANCY		FLOORS													
		B	1	2	3										
INGLE FAMILY						COMPUTATIONS									
WO FAMILY						UNIT			1951						
PARTMENT						1ST	S. F.	@							
STORE						2ND	S. F.	@							
HEATRE							S. F.	@							
OTEL															
FFICES															
WAREHOUSE															
COMM. GARAGE															
GAS STATION															
FOUNDATION		INTERIOR FINISH													
CONCRETE		B	1	2	3										
CONCRETE BLOCK						ADDITIONS									
BRICK OR STONE						BASEMENT									
PIERS						WALLS									
CELLAR AREA FULL						ROOF									
1/4 1/2 3/4						FLOORS									
NO. CELLAR*						ATTIC									
EXTERIOR WALLS		HEATING													
CLAPBOARDS		PIPELESS FURNACE				FINISH									
WIDE SIDING		HOT AIR FURNACE				FIREPLACE									
DROP SIDING		FORCED AIR FURN.				HEATING									
NO SHEATHING		STEAM				PLUMBING									
WOOD SHINGLES		HOT WAT. OR VAPOR				TILING									
ASBES. SHINGLES		NO HEATING				TOTAL									
STUCCO ON FRAME		GAS BURNER				FACTOR									
STUCCO ON TILE		OIL BURNER				REPL. VAL.									
BRICK VENEER		STOKER				OCCUPANCY									
BRICK ON TILE		PLUMBING				TYPE									
SOLID BRICK		BATHROOM				GRADE									
STONE VENEER		TOILET ROOM				AGE									
CONC. OR CIND. BL.		WATER CLOSET				DATE REMOD.									
TERRA COTTA		KITCHEN SINK				COND.									
VITROLITE		STD. WAT. HEAT				REPL. VAL.									
PLATE GLASS		AUTO. WAT. HEAT				PHYS. DEPR.									
INSULATION		ELECT. WAT. SYST.				PHYS. VALUE									
WEATHERSTRIP		LAUNDRY TUBS				FUNCT. DEPR.									
		NO PLUMBING				SOUND VALUE									
ROOFING		TILING													
ASPH. SHINGLES		BATH FL. & WCOT.													
WOOD SHINGLES		TOILET FL. & WCOT.													
ASBES. SHINGLES		LIGHTING													
SLATE		ELECTRIC													
TILE		NO LIGHTING													
METAL		NO. OF ROOMS													
COMPOSITION		BSMT.													
ROLL ROOFING		2ND.													
		1ST.													
		3RD.													
						DATE	LISTED	MEAS.	AREA	PRICED	19	TOTAL VALUE BUILDINGS			
						DATE	LISTED	MEAS.	AREA	PRICED	19	TOTAL VALUE BUILDINGS			

GRADE DENOTES QUALITY OF CONSTRUCTION:— A—EXCELLENT; B—GOOD; C—AVERAGE; D—CHEAP; E—VERY CHEAP

(No revenue stamps required)

1157 292

Know All Men by these Presents,

That I, M. Thelma Crowell of Portsmouth, in the County of Rockingham and State of New Hampshire,

for and in consideration of the sum of One dollar to me in hand before the delivery hereof, well and truly paid by Walter E. Strout and Clarice J. Strout, both of said Portsmouth,

the receipt whereof I do hereby acknowledge, have remised, released and forever quitclaimed and by these presents do as JOINT TENANTS with right of survivorship and not as tenants in common, the survivor to release and forever quitclaim unto the said grantees and his heirs and assigns forever, or her

A certain lot or parcel of land in Portsmouth, New Hampshire containing Four Thousand Ninety-Seven (4097) square feet, more or less, and further described as follows: That lot or parcel of land on Middle Road, and being Lot No. 33 on Plan No. 66 in the City of Portsmouth Assessors' Office, having a frontage on said Middle Road of forty and eight tenths (40.8) feet; one hundred two and one tenth (102.1) feet along land of one Harry Caswell, forty and eight tenths (40.8) feet along land now or formerly of one Catherine Carty; and one hundred two and eight tenths (102.8) feet along land of grantee herein.

Also two certain lots or parcels of land, together with the dwelling house thereon, situate in said Portsmouth and more particularly described as Lots Number thirty-four (34) and Thirty-Five (35) in Prospect Park Tract, the size and location thereof being in accordance with a Map or Plan of said Tract now on file in the Registry of Deeds of said County of Rockingham, to which said Plan reference is made for a more particular description.

Also a certain lot, piece or parcel of land situated in said Portsmouth and more particularly described as Lot Number Sixty (60) in the "Prospect Park" tract, the same in size and location to be in accordance with the map or plan of said tract now on file at the Registry of Deeds in and for said Rockingham County to which reference is hereby made for a more complete description, together with the buildings thereon.

Being the same premises conveyed to me by deed of Clarice J. Strout, of even date to be recorded herewith.

Subject to a mortgage to the Piscataqua Savings Bank, dated July 20, 1948 and recorded in Rockingham Registry of Deeds.

To have and to hold the said premises, with all the privileges and appurtenances thereto belonging to the said grantee and his heirs and assigns forever. And I do hereby covenant with the said grantee that I will warrant and defend the said premises to them the said grantee and his heirs and assigns, against the lawful claims and demands of any person or persons claiming by, from or under me, except as aforementioned.

And I have no husband. ~~for the record and to be recorded in the Registry of Deeds of said County of Rockingham, New Hampshire, to which reference is made for a more complete description, together with the buildings thereon.~~

In witness whereof, I have hereunto set my hand and seal this January day of January in the year of our Lord 19 50.

Signed, sealed and delivered in presence of

Walter E. Strout

M. Thelma Crowell



State of New Hampshire, Rockingham ss. January 6, A. D. 19 50. Personally appeared the above named M. Thelma Crowell and acknowledged the foregoing instrument to be her voluntary act and deed. Before me,

Walter E. Strout Justice of the Peace.

Received and recorded Jan. 6, 9:50 A.M. 1950

KNOW ALL MEN BY THESE PRESENTS

THAT We, Maurice R. Buttrick and Barbara P. Buttrick of Rockingham County, State of New Hampshire hereinafter called the mortgagor for consideration paid, grant to

PORTSMOUTH SAVINGS BANK,

a corporation established by the laws of the State of New Hampshire, and located and doing business at Portsmouth, in the County of Rockingham, in said State, with mortgage covenants to secure the payment of FIFTEEN THOUSAND FOUR HUNDRED _____ DOLLARS,

with 8 1/2 per cent interest payable monthly and also perform all the agreements and conditions as provided in note of even date, the following described real estate:

Four certain lots of land with the buildings thereon situate on Middle Road and Woodworth Avenue in said Portsmouth, and being Lots No. 33,34,35 and 60 on Plan of Prospect Park, Portsmouth, N.H. recorded in Rockingham County Registry of Deeds, Book 527, Page 481, and more particularly bounded as follows:

Beginning at a point in the Southeasterly side of Middle Road at the westerly side of Woodworth Avenue and running Southeasterly by the Westerly sideline of said Woodworth Avenue 148.6 feet more or less to land of Charles F. Caswell being lot No. 59 on said Plan; thence turning and running Southwesterly by said Lot No. 59, 80 feet more or less to a corner at land of Paul and Rose Gammon; thence turning and running Northwesterly by said land of Gammon, being Lots No. 36 and 37, 56 feet to a corner; thence turning and running Westerly by other land of said Gammons 40.8 feet more or less to a corner at land of Joseph and Mildred Markey, being Lot No. 32, thence turning and running Northwesterly by said land of Markeys 102.1 feet more or less to Middle Road; thence turning and running Northeasterly by Middle Road 122.4 feet more or less to the point of beginning

Being premises conveyed to the said Mortgagor by deed of dated 19 recorded in Vol. Page of the Registry:—

The mortgagors shall pay to said Bank, its successors and assigns, all sums which it or they shall pay on account of or for any insurance and taxes and all other expenses legally incident to said granted premises including reasonable attorney's fees and costs of the Bank, its successors and assigns, in the event foreclosure proceedings are commenced and completed or in the event foreclosure proceedings are commenced in good faith and discontinued.

This mortgage is upon the statutory conditions, for any breach of which the mortgagee shall have the statutory power of sale.

We, respectively wife, of said mortgagor, husband release all rights of dower curtesy and homestead and other interests in the mortgaged premises.

WITNESS Our hands and seals this 24th-day of June Anno Domini one thousand nine hundred and seventy one

Signed, Sealed and Delivered in presence of us:

[Signature]

Maurice R. Buttrick Barbara P. Buttrick

STATE OF NEW HAMPSHIRE ROCKINGHAM SS.

June 24, A.D. 19 71

Personally appearing the above named Maurice R. Buttrick and Barbara P. Buttrick acknowledged the foregoing instrument to be their free act and deed, before me,

[Signature] JUSTICE OF THE PEACE

Jun 25 8 00 AM '71

KNOW ALL MEN BY THESE PRESENTS

2077 141

That we, First National Bank of Portsmouth, New Hampshire and Wyman P. Boynton of Portsmouth in the County of Rockingham and State of New Hampshire, Executors of the will of Clarice J. Strout late of said Portsmouth, deceased.

By virtue of a license from the Court of Probate for said County of Rockingham holden at Exeter in said county, on the 22nd day of February, 1971, authorized us to sell at private sale the real estate hereinafter described and in consideration of the sum of Seventeen Thousand Eight Hundred (\$17,800) Dollars to us in hand before the delivery hereof, paid by Maurice R. Buttrick and Barbara H. Buttrick of said Portsmouth the receipt whereof we do hereby acknowledge, have granted, bargained and sold, and by these presents, do hereby in our said capacity, grant, bargain, sell, convey and confirm unto the said Maurice R. Buttrick and Barbara H. Buttrick, as joint tenants with the right of survivorship, and not as tenants in common, and the heirs and assigns of the survivor of them forever, all the right, title and interest of Clarice J. Strout in and to the following described real estate:

Jun 25 8 00 AM '71

Four certain lots of land with the buildings thereon situate on Middle Road and Woodworth Avenue in said Portsmouth, and being Lots No. 33, 34, 35 and 60 on Plan of Prospect Park, Portsmouth, N. H. recorded in Rockingham County Registry of Deeds Book 527 Page 481, and more particularly bounded as follows:

Beginning at a point in the Southeasterly side of Middle Road at the westerly side of Woodworth Avenue and running Southeasterly by the Westerly sideline of said Woodworth Avenue 148.6 feet more or less to land of Charles F. Caswell being Lot No. 59 on said Plan; thence turning and running Southwesterly by said Lot No. 59 80 feet more or less to a corner at land of Paul and Rose Gammon; thence turning and running Northwesterly by said land of Gammon, being Lots No. 36 and 37, 56 feet to a corner; thence turning and running Westerly by other land of said Gammons 40.8 feet more or less to a corner at land of Joseph and Mildred Markey, being Lot No. 32; thence turning and running Northwesterly by said land of Markeys 102.1 feet more or less to Middle Road; thence turning and running Northeasterly by Middle Road 122.4 feet more or less to the point of beginning.

Being the same premises described in deed of M. Thelma Crowell to Clarice J. Strout and Walter E. Strout as joint tenants dated January 5, 1950, recorded in Rockingham County Registry of Deeds Book 1157 Page 292, the said Walter E. Strout having died at said Portsmouth on March 13, 1968.

TO HAVE AND TO HOLD the same with all the privileges and appurtenances thereto belonging to the said Maurice R. Buttrick and Barbara H. Buttrick, the survivor of them and his or her heirs and assigns forever. And we do hereby, in our said capacity, covenant with the said Maurice R. Buttrick and Barbara H. Buttrick, the survivor of them and his or her heirs and assigns, that we are duly authorized to make sale of the premises, that in all our proceedings in the sale thereof we have complied with the requirements of the statute in such case provided, and that we will warrant and defend the same to the said Maurice R. Buttrick and Barbara H. Buttrick, the survivor of them and his or her heirs and assigns, against the lawful claims of all perons claiming by, from or under us, in the capacity aforesaid.

IN WITNESS WHEREOF we have hereunto set our hands and seals this 27th day of June in the year of our Lord, One Thousand Nine Hundred Seventy-one.

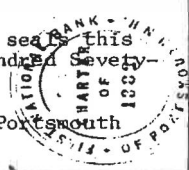
Signed, sealed and delivered in the presence of

First National Bank of Portsmouth

By Trust Officer

Maurice R. Buttrick to each

[Signature]



232-80

BK 5260 PG 1861

Return to:
Wiggin & Nourie, PA
Att: LGC
PO Box 469
Portsmouth, NH 03802-0469



048269

QUITCLAIM DEED

Barbara H. Buttrick, single, of 777 Lafayette Road, Apt. 311, Hampton, New Hampshire 03842, for good and valuable consideration, grants to **Barbara H. Buttrick as Trustee of The Barbara H. Buttrick Revocable Trust of 2003**, w/d/t dated July 30, 2003, as amended, with a mailing address of 777 Lafayette Road, Apt. 311, Hampton, New Hampshire 03842, with Quitclaim Covenants, the real property described as follows:

Four (4) certain lots of land with the buildings thereon situate on Middle Road and Woodworth Avenue in Portsmouth, County of Rockingham, State of New Hampshire, and being Lots No. 33, 34, 35 and 60 on Plan of Prospect Park, Portsmouth, N.H. recorded in Rockingham County Registry of Deeds Book 527, Page 481, and more particularly bounded as follows:

Beginning at a point in the Southeasterly side of Middle Road at the westerly side of Woodworth Avenue and running Southeasterly by the Westerly sideline of said Woodworth Avenue 148.6 feet more or less to land of Charles F. Caswell being Lot No. 59 on said Plan; thence turning and running Southwesterly by said Lot No. 59 80 feet more or less to a corner at land of Paul and Rose Gammon; thence turning and running Northwesterly by said land of Gammon, being Lots No. 36 and 37, 56 feet to a corner; thence turning and running Westerly by other land of said Gammons 40.8 feet more or less to a corner at land of Joseph and Mildred Markey, being Lot No. 32; thence turning and running Northwesterly by said land of Markeys 102.1 feet more or less to Middle Road; thence turning and running Northeasterly by Middle Road 122.4 feet more or less to the point of beginning.

Meaning and intending to convey the same property described in the deed of First National Bank of Portsmouth, New Hampshire, and Wyman P. Boynton, Executors of the will of Clarice J. Strout, to Maurice R. Buttrick and Barbara H. Buttrick, dated June 24, 1971 and recorded at Book 2077, Page 141 in the Rockingham County Registry of Deeds. Barbara H. Buttrick is the surviving joint tenant. The said Maurice R. Buttrick having deceased on September 27, 2002. See Rockingham County Probate #2002-11-71.

2011 NOV 10 AM 9:04

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

This is a conveyance to a revocable trust for estate planning purposes and the consideration paid was less than fair market value. This conveyance is subject to the minimum transfer taxes of \$40.00 as required under the NH Code of Administrative Rules, Department of Revenue Administration, Part Rev. 802.02.

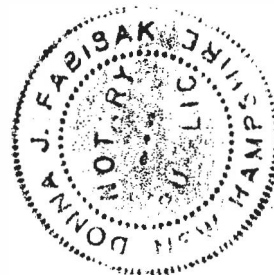
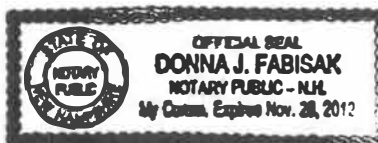
Dated this 5th day of November, 2011.

Barbara H. Buttrick
Barbara H. Buttrick

STATE OF NEW HAMPSHIRE
COUNTY OF Rockingham

This instrument was acknowledged before me on the 5th day of November, 2011, by Barbara H. Buttrick.

Donna J. Fabisak
Notary Public
My Commission Expires:
Seal:



M

Return to:
MAIL TO
Kathryn S. Williams
57 Main Street
Box 836
Epping, NH 03042



FIDUCIARY DEED

Kathryn S. Williams as Successor Trustee of The Barbara H. Buttrick Revocable Trust of 2003, u/d/t dated July 30, 2003, of 57 Main Street, Epping, New Hampshire, for good and valuable consideration, grants to Todd Buttrick, with Fiduciary Covenants, the real property described as follows:

** with a mailing address of 14 Kartin Road, Fremont, NH 0304*

Four (4) certain lots of land with the buildings thereon situate on Middle Road and Woodworth Avenue in Portsmouth, County of Rockingham, State of New Hampshire, and being Lots No. 33, 34, 35 and 60 on Plan of Prospect Park, Portsmouth, N.H. recorded in Rockingham County Registry of Deeds Book 527, Page 481, and more particularly bounded as follows:

Beginning at a point in the Southeasterly side of Middle Road at the westerly side of Woodworth Avenue and running Southeasterly by the Westerly sideline of said Woodworth Avenue 148.6 feet more or less to land of Charles F. Caswell being Lot No. 59 on said Plan; thence turning and running Southwesterly by said Lot No. 59 80 feet more or less to a corner at land of Paul and Rose Gammon; thence turning and running Northwesterly by said land of Gammon, being Lots No. 36 and 37, 56 feet to a corner; thence turning and running Westerly by other land of said Gammons 40.8 feet more or less to a corner at land of Joseph and Mildred Markey, being Lot No. 32; thence turning and running Northwesterly by said land of Markeys 102.1 feet more or less to Middle Road; thence turning and running Northeasterly by Middle Road 122.4 feet more or less to the point of beginning.

This is not homestead property of the Grantor.

Barbara H. Buttrick's death certificate is on record at the Rockingham County Registry of Probate, 10th Circuit Court, Probate Division.

Meaning and intending to convey the same property described in the deed of Barbara H. Buttrick to Barbara H. Buttrick, Trustee of The Barbara H. Buttrick

040643

2012 AUG 15 AM 10: 07

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

Revocable Trust of 2003, u/d/t dated July 30, 2003, dated November 5, 2011, and recorded at the Rockingham County Registry of Deeds, at Book 5260, Page 1861.


Trustee's Certificate

The undersigned trustee is the Successor Trustee under the Trust created by Barbara H. Buttrick, as grantor under trust agreement dated July 30, 2003, and thereto has full and absolute power in said trust agreement to convey any interest in real estate and improvements thereon held in said trust, and no purchaser or third party shall be bound to inquire whether the trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the trustee for a conveyance thereof.


 Kathryn S. Williams, Successor Trustee

This is a conveyance from a revocable trust pursuant to an estate planning trust. The original grantor, Barbara H. Buttrick is deceased. Kathryn S. Williams is the Successor Trustee under The Barbara H. Buttrick Revocable Trust of 2003, u/d/t dated July 30, 2003. Due to the death of Barbara H. Buttrick, the grantor under the trust, the Trust is terminated and this conveyance is a distribution of the real estate held in the Trust to the beneficiary of the Trust. The consideration paid was less than fair market value. This conveyance is subject to the minimum transfer stamps of \$40.00 as required under the New Hampshire Code of Administrative Rules, Department of Revenue Administration, Part Rev. 802.02.

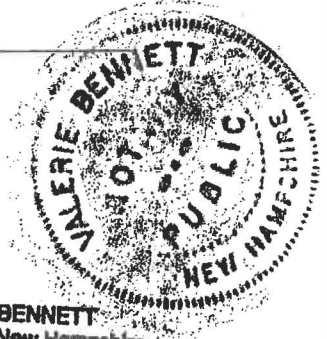
Dated this 30 day of July, 2012.


 Kathryn S. Williams, Successor Trustee

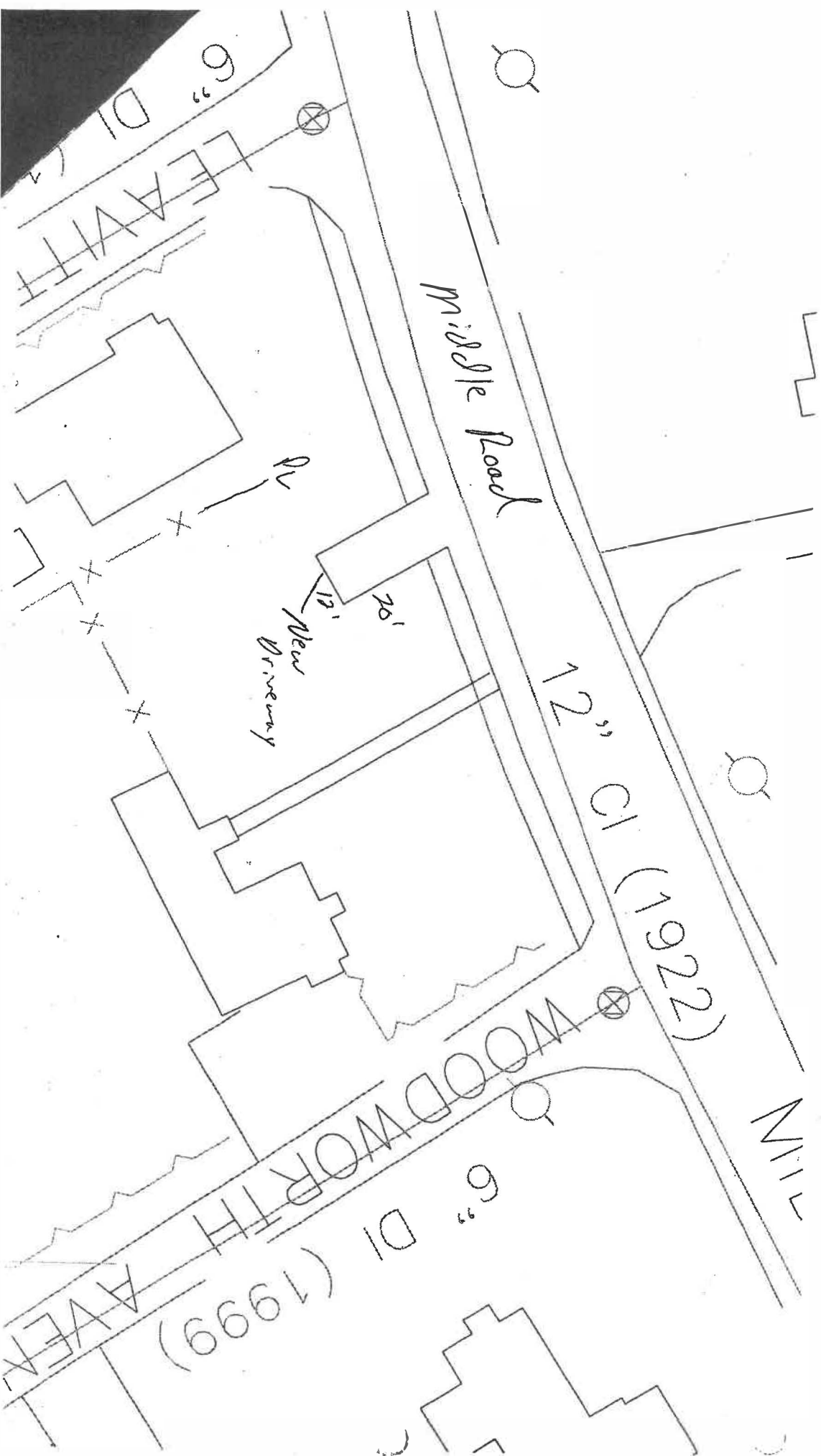
STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

This instrument was acknowledged before me on the 30 day of
July, 2012, by Kathryn S. Williams.

Valerie Bennett
Notary Public
My Commission Expires:
Seal:



VALERIE BENNETT
Notary Public - New Hampshire
My Commission Expires August 10, 2016



NOTICE: This opinion is subject to motions for rehearing under Rule 22 as well as formal revision before publication in the New Hampshire Reports. Readers are requested to notify the Reporter, Supreme Court of New Hampshire, One Charles Doe Drive, Concord, New Hampshire 03301, of any editorial errors in order that corrections may be made before the opinion goes to press. Errors may be reported by E-mail at the following address: reporter@courts.state.nh.us. Opinions are available on the Internet by 9:00 a.m. on the morning of their release. The direct address of the court's home page is: <http://www.courts.state.nh.us/supreme>.

THE SUPREME COURT OF NEW HAMPSHIRE

Rockingham
No. 2012-428

CHARLES A. ROBERTS

v.

TOWN OF WINDHAM

Argued: May 9, 2013
Opinion Issued: July 16, 2013

Bernstein, Shur, Sawyer & Nelson, P.A., of Manchester (Gregory E. Michael and Christopher G. Aslin on the brief, and Mr. Michael orally), for the petitioner.

Beaumont & Campbell Prof. Ass'n., of Salem (Bernard H. Campbell on the brief and orally), for the respondent.

CONBOY, J. The petitioner, Charles A. Roberts, appeals an order of the Superior Court (Delker, J.) affirming a decision of the Town of Windham Zoning Board of Adjustment (ZBA) denying his request under RSA 674:39-aa (Supp. 2012) to reverse the administrative merger of certain lots by the respondent, Town of Windham (Town). We affirm.

The following facts are supported by the record or are otherwise undisputed. The petitioner owns an approximately one-acre parcel of land on

Cobbetts Pond Road with frontage on Cobbetts Pond in Windham (the Property). The Property is identified as a single lot on the Town's tax map and has apparently been so identified since the Town developed its tax maps in the 1960s. The Property originated, however, from seven separate lots as shown on the 1913 "Plan of Horne Heirs" recorded in the Rockingham County Registry of Deeds (the Horne plan): five full lots (9 through 13) and two partial lots (8 and 14). The Horne plan was recorded by Clara B. Horne in 1913, and depicts her approximately 12.5-acre, nineteen-lot subdivision along the shore of Cobbetts Pond.

In 1918, Horne conveyed lots 9 through 11, by a single deed, to the petitioner's grandfather, George E. Lane. Specifically, the deed conveyed "[a] certain tract or parcel of land situate on the shore of Cobbetts Pond in Windham . . . meaning and intending to convey lots #9, #10, and #11." In 1920, Horne also deeded lot 12 to Lane. In 1926, Lane also obtained a portion of lot 8 (for ease of reference, partial lot 8 is hereinafter referred to simply as "lot 8").

Lane built structures on all of the lots except lot 12. On lot 10, Lane built a seasonal cottage, a garage/workshop, a screen room, and a dock. The seasonal cottage extends across the boundary line onto lot 11. The garage is two inches from the boundary line between lots 10 and 9 and faces toward lot 9. Thus, one must traverse lot 9 to access the garage. On lot 9, Lane built a "multi-use building" (the bunkhouse), woodshed, privy, dog house, and another dock. The bunkhouse straddles the boundary line between lots 9 and 8. A single driveway provides access from Cobbetts Pond Road to lot 10 over lot 9.

In 1927, Lane conveyed all of the lots to Alice Lane, who subsequently conveyed them to Ruth Lane Roberts. In 1962, Ruth Roberts acquired title to lot 13 and one half of lot 14 (for ease of reference, partial lot 14 is hereinafter referred to simply as "lot 14"). Thus, as of 1962, Ruth Roberts owned the Property as it exists today, consisting of lots 8 through 14. In 1995, the Property was conveyed to the petitioner.

In the 1960s, the Town apparently administratively merged the lots into a single lot: they were designated as a single lot for tax purposes and given a single street address. Neither the petitioner nor any previous owner in the chain of title applied to the Town to merge the lots. See, e.g., RSA 674:39-a (Supp. 2012) (allowing an owner of two or more contiguous and preexisting approved lots to merge them by application to a town planning board).

In 2011, the legislature enacted RSA 674:39-aa, which provides that lots that were "involuntarily merged prior to September 18, 2010," shall be "restored to their pre-merger status" upon request of the owner, subject to certain conditions. RSA 674:39-aa, II. "Involuntary merger" . . . mean[s] lots

merged by municipal action for zoning, assessing, or taxation purposes without the consent of the owner.” RSA 674:39-aa, I(a). An owner is not entitled to such restoration if “any owner in the chain of title voluntarily merged his or her lots.” RSA 674:39-aa, II(b). “Voluntary merger” means a merger expressly requested under RSA 674:39-a, or “any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line.” RSA 674:39-aa, I(c). The municipality bears the burden to prove voluntary merger. See RSA 674:39-aa, II(b).

Following the statute’s passage, the petitioner applied to the Windham Board of Selectmen (Selectboard) seeking to “unmerge” the lots from their single lot designation on the Town’s zoning and tax maps and to create four lots consisting of: lots 8 and 9; lots 10 and 11; lot 12; and lots 13 and 14. The Selectboard held a meeting to consider the application and determined that the Town had involuntarily merged lots 12-14. The Selectboard, however, concluded that lots 8 through 11 had been voluntarily merged and, thus, denied the petitioner’s request to unmerge the four lots.

The Selectboard’s decision denying the petitioner’s request to unmerge lots 8 through 11 rested upon two grounds. First, the Selectboard relied upon the fact that lots 9 through 11 were conveyed to Lane as one “tract” in a single deed. Second, the Selectboard determined that the Town proved overt owner action to merge the lots based upon the physical layout of the structures. Specifically, the Selectboard noted that lots 8 through 11 are served by a single driveway, that construction of ancillary buildings such as the bunkhouse is a common and typical practice on a “waterfront estate,” and that the garage on lot 10 is close to the lot 9 boundary line and is accessed from lot 9.

The petitioner appealed the decision regarding lots 8 through 11 to the ZBA. See RSA 674:39-aa, III; RSA 676:5 (Supp. 2012). The ZBA affirmed the Selectboard’s decision for the reasons found by the Selectboard, as well as an additional reason: that by accepting the Town’s taxation of the lots as a single lot, the owners voluntarily merged the lots.

The petitioner moved for a rehearing, see RSA 677:3 (2008), which the ZBA denied. The petitioner then appealed the ZBA’s decision to the superior court, see RSA 677:4 (Supp. 2012), which affirmed the ZBA’s decision. This appeal followed.

The petitioner first argues that the superior court applied an incorrect standard of review. Typically, judicial review in zoning cases is limited. Brandt Dev. Co. of N.H. v. City of Somersworth, 162 N.H. 553, 555 (2011). The factual findings of a zoning board are deemed prima facie lawful and reasonable, and a zoning board’s decision will not be set aside by the superior court absent errors of law unless it is persuaded by the balance of probabilities, on the evidence

before it, that the zoning board decision is unlawful or unreasonable. Id.; see RSA 677:6 (2008). The superior court applied this standard to the ZBA's decision. The petitioner contends, however, that the enactment of RSA 674:39-aa altered the deferential standard of review with respect to the issue of proving the voluntary merger of lots.

Resolving this issue requires that we engage in statutory interpretation. We are the final arbiters of the legislature's intent as expressed in the words of a statute considered as a whole. Radziewicz v. Town of Hudson, 159 N.H. 313, 316 (2009). When examining the language of a statute, we ascribe the plain and ordinary meaning to the words used. Id. We interpret legislative intent from the statute as written and will not consider what the legislature might have said or add language that the legislature did not see fit to include. Id. We also presume that the legislature knew the meaning of the words it chose, and that it used those words advisedly. See DaimlerChrysler Corp. v. Victoria, 153 N.H. 664, 667 (2006). The interpretation of a statute is a question of law, which we review de novo. See Radziewicz, 159 N.H. at 316.

In 2010, the legislature amended RSA 674:39-a to prohibit municipalities from merging "preexisting subdivided lots or parcels except upon the consent of the owner." Laws 2010, 345:1. In addition, RSA 674:39-aa, II entitles an owner of involuntarily merged lots, at the owner's request, to restore the lots to their premerger status. However, RSA 674:39-aa prohibits restoration of lots if "any owner in the chain of title voluntarily merged his or her lots." RSA 674:39-aa, II(b). The municipality has the burden to prove voluntary merger. See id.

The petitioner contends that by prohibiting municipalities from involuntarily merging lots under RSA 674:39-a and allowing owners of merged lots to request restoration under RSA 674:39-aa, the legislature sought to balance the right of municipalities to regulate land use and the constitutional right of land owners to use their land for reasonable purposes. He argues that by placing the burden of proof on municipalities to prove voluntary merger, the legislature sought to prohibit municipalities from "inventing" mergers based upon inconclusive facts in order to block unpopular applications. He concludes that by "shifting the burden of proof to municipalities," the legislature "necessarily also altered the deferential standard of review on appeal to the [superior court]." We disagree.

The petitioner's argument conflates two concepts: a party's burden of proof and an appellate tribunal's standard of review. A burden of proof is "[a] party's duty to prove a disputed assertion or charge," Black's Law Dictionary 223 (9th ed. 2009), whereas a standard of review is "[t]he criterion by which an appellate [tribunal] . . . measures the constitutionality of a statute or the propriety of an order, finding, or judgment entered by a lower [tribunal]," id. at

1535. That a party bears the burden of proof at trial does not dictate the standard of review applied on appeal. As the superior court aptly noted, the State in a criminal case bears the highest burden of proof at trial: beyond a reasonable doubt. See RSA 625:10 (2007). Yet, if the State carries its burden, the standard of review on appeal is often deferential to the State. See, e.g., State v. Hull, 149 N.H. 706, 712 (2003) (“To prevail on a challenge to the sufficiency of the evidence, the defendant must prove that no rational fact finder at trial, viewing all of the evidence presented in the light most favorable to the State, could have found guilt beyond a reasonable doubt.”).

Here, RSA 674:39-aa expressly places the burden of proof on the municipality to prove voluntary merger; however, the statute makes no provision for an alternate standard of review. Because we presume the legislature understood the meaning of the words it chose and used those words advisedly, see DaimlerChrysler Corp., 153 N.H. at 667, and we do not add words to a statute that the legislature did not see fit to include, see Radzewicz, 159 N.H. at 316, we do not construe the plain language of RSA 674:39-aa, II(b) to alter the deferential standard of review applicable in zoning cases under RSA 677:6.

The fact that one of the goals of the statute may be to protect individual property rights does not change our interpretation. Although we interpret a statute in light of its overall purpose, see Atwater v. Town of Plainfield, 160 N.H. 503, 508 (2010), in so doing, we do not ignore the statute’s plain language, cf. 2A N. Singer & J.D. Singer, Statutes and Statutory Construction § 46:1, at 148-49 (7th ed. 2007) (“Where the words of the statute are clear and free from ambiguity, the letter of the statute may not be disregarded under the pretext of pursuing its spirit.” (Quotation omitted)). Here, we will not read into RSA 674:39-aa an alternate standard of review merely because to do so might benefit the petitioner’s property rights. Thus, we conclude that the superior court did not err in applying our usual deferential standard of review to the ZBA’s decision. See RSA 677:6.

Next, the petitioner argues that the superior court erred by upholding the ZBA’s decision to affirm the Selectboard’s finding of “voluntary merger” of lots 8 through 11 because the evidence before the Selectboard was insufficient to satisfy the Town’s burden. Our review of the superior court’s decision, like its review of the ZBA’s decision, is limited: we will uphold the court’s decision unless the evidence does not support it or it is legally erroneous. Brandt Dev. Co., 162 N.H. at 555. When, as here, the appealing party challenges the sufficiency of the evidence, we consider “whether a reasonable person could have reached the same decision as the trial court based on the evidence before it.” Mt. Valley Mall Assocs. v. Municipality of Conway, 144 N.H. 642, 647 (2000) (quotation omitted).

As noted above, the Selectboard found that the Town satisfied its burden of proving “overt action or conduct” to merge lots 8 through 11 based upon the original conveyance by Horne of lots 9 through 11 as one tract in a single deed, and the physical characteristics of the lots and their structures. The ZBA affirmed based upon those two factors and the owners’ acquiescence to taxation of the Property as a single lot. In upholding the ZBA’s decision, the superior court relied upon the physical characteristics of the lots and their structures and upon the owners’ acquiescence to taxation, but concluded that “[t]he fact that [Horne] conveyed separate parcels of land in one deed does not, in itself, indicate an intent to ignore the separate lot designations.”

We agree that Horne’s conveyance of lots 9 through 11 as one tract in a single deed does not, standing alone, support a finding of voluntary merger. The deed specifically provided that Horne was “meaning and intending to convey lots #9, #10, and #11.” We also acknowledge that the acquiescence to taxation as a single lot does not, standing alone, support a finding of voluntary merger. See Hill v. Town of Chester, 146 N.H. 291, 294 (2001) (“[T]he method by which a town taxes its land is not dispositive in determining zoning questions.”). As the petitioner notes, lots 8 through 14 were all taxed as a single lot; the Selectboard nonetheless “unmerged” lots 12-14.

The lots’ physical characteristics, however, were central to the superior court’s decision. It upheld the finding that the garage on lot 10 was constructed within two inches of lot 9 and faces toward lot 9; that the lots share a driveway; and that ancillary buildings, such as the bunkhouse, are common and typical of a “waterfront estate.” The petitioner argues that these facts do not support a finding of voluntary merger and that only through conjecture and speculation could the Town demonstrate the prior owners’ intent. For example, although he concedes that the placement of the garage near the lot line may be consistent with an intent to merge the lots, the petitioner argues that it is also consistent with an intent to maintain the property as separate lots because Lane – the owner who constructed the garage – may have believed that the garage was farther from the lot line than shown on the survey. Thus, he argues that such evidence is insufficient to support a finding of voluntary merger. We disagree.

Lane constructed the garage on lot 10 not only within two inches of lot 9, but also so that it faced toward lot 9. To access the garage, one must traverse lot 9. Further, a single driveway leads from Cobbetts Pond Road over lot 9 to lot 10. A reasonable interpretation of the placement of the garage is that Lane did not regard the lots as separate. See RSA 674:39-aa, I(c). We disagree with the petitioner that the possibility that Lane may have believed the garage was farther from the lot line renders the evidence inconclusive. Our role on appeal is not to determine whether any contrary conclusions could possibly be drawn

from the evidence; instead, we determine whether the conclusions so drawn are reasonable. See Mt. Valley Mall Assocs., 144 N.H. at 647.

Additionally, the superior court relied on more than the placement of the garage. The “seasonal cottage” sits on both lots 10 and 11, and Lane built a “multi-use” structure known as the “bunkhouse” on lots 9 and 8. Because of the structure’s classification as a “bunkhouse,” and not as an additional cottage, it is not unreasonable to conclude that the structure was intended to be used in conjunction with the seasonal cottage as part of a “waterfront estate,” thereby evincing an intent to use the lots as one. See Webster’s Third New International Dictionary 297 (unabridged ed. 2002) (defining “bunkhouse” as “a rough[,] simple building providing sleeping quarters,” as used to house persons such as “ranch hands”). Finally, although a shared driveway alone may not be indicative of an intent to merge lots, when viewed in conjunction with evidence of the placement of the garage and bunkhouse, the use of a single driveway to serve multiple lots supports the conclusion that the prior owners intended to merge the lots.

In his brief, the petitioner parses each of these uses and offers explanations for why each individual use does not constitute “voluntary merger.” However, the superior court did not analyze each use in isolation, nor was it required to under RSA 674:39-aa. Instead, in affirming the ZBA’s decision, the court considered “the use of the property in its entirety.” The totality of the evidence reasonably supports a finding that the petitioner’s predecessors voluntarily merged the lots under RSA 674:39-aa. Accordingly, we hold that the superior court’s decision affirming the ZBA’s decision is not unlawful or unreasonable.

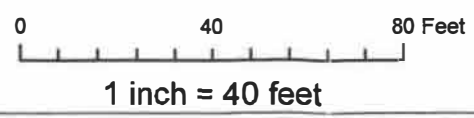
As a final matter, the petitioner raises an issue in his notice of appeal that he does not brief. Thus, it is deemed waived. See In re Estate of King, 149 N.H. 226, 230 (2003).

Affirmed.

DALIANIS, C.J., and HICKS, LYNN and BASSETT, JJ., concurred.



DISCLAIMER: The City of Portsmouth provides these Geographic Information System maps and data as a public information service. The maps and data provided are intended for informational purposes only. No guarantee or promise is made as to the accuracy of the maps and data and they should not be relied upon for any purpose other than general information.



Existing Conditions
 Map prepared by Portsmouth Department of Public Works
 Printed: 3/19/2021



NEW HAMPSHIRE
MUNICIPAL ASSOCIATION

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On-Demand
Training

Right to Know
Law

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Court Issues First Interpretation of RSA 674:39-aa, Dealing With the Reversal of Administrative Lot Mergers

Roberts v. Windham

Roberts v. Windham

No. 2012-428

Tuesday, July 16, 2013

The petitioner appealed from a Superior Court order upholding the decision of the Windham Zoning Board of Adjustment denying his request to reverse the administrative merger of adjacent lots of land.

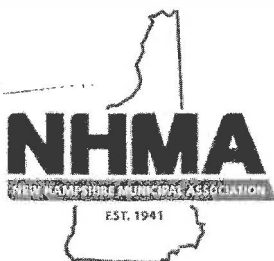
The land in question has been in petitioner's family since 1918, when a single deed conveyed four lots as described on a 1913 plan to petitioner's grandfather. In 1926, another lot was deed by purchase. The five lots were used to support a seasonal cottage and related accessory buildings, including a garage, a screen room, a dock, and a multi-use structure with a woodshed, privy, dog house and additional dock. In 1962 two additional lots were acquired by purchase. Petitioner has owned the land which consists of all or portions of 7 lots as described in the 1913 plan since 1995. The town developed tax maps in the 1960's, and has since that time taxed the property as a single lot. No person in the chain of title ever applied to the town to voluntarily merge the lots into one.

Following the enactment of RSA 674:39-aa, petitioner applied to the Selectmen of Windham to "unmerge" the lots in accordance with the statute's procedures. The Selectmen granted relief for the lots described in the 1926 and 1962 deeds, and denied relief for the remaining four lots described in the 1918 deed. They reasoned that the physical layout and use of the primary and accessory structures proved overt owner action to merge the lots into one. This decision was appealed to the Zoning Board of Adjustment, which affirmed the result using the same reasoning as the Selectmen, and further added that the failure to object to the scheme of taxation also showed an owner's intent to merge the lots. Rehearing was denied, and the Superior Court on appeal affirmed the decision.

At the Supreme Court level two questions were presented. First, since this statute places the burden of proof upon the municipality to deny a request to "unmerge" lots, does this change the standard of review used by a court on appeal? The Supreme Court quickly determined that the new statute did not change the standard of review, and the decision of the ZBA would be reviewed under the deferential standard contained in RSA 677:6.

Second, the petitioner argued that the evidence used by the municipality was not sufficient to support a denial of the request. Because the standard of review is deferential, it may only be reversed if no reasonable person could have reached the same decision based upon the available evidence. Here, the court reviewed the decision based upon the use of the property in its entirety, rather than upon each use in isolation. No single factor was dispositive. The fact that the four lots were described in a single deed, and had been taxed as a unit for many years were not sufficient standing alone. However, when coupled with the fact that the primary and accessory buildings had been constructed to work as a unit without regard to lot lines, the evidence was sufficient to affirm the decision of the ZBA.

In this matter of first impression, governing bodies and zoning boards of adjustment now know they should review requests to "unmerge" lots based upon all of the circumstances of actual use of the property, and that the lack of a request to voluntarily merge the lots by a current or former owner will not, standing alone, support such a request.



New Hampshire Municipal Association
25 Triangle Park Dr.
Concord, NH 03301
603.224.7447
nhmainfo@nhmunicipal.org

Contact NHMA
Member Login
Classifieds
Public Notices
Site Map



To: The Honorable Mayor Rick Beckstead and Portsmouth City Council

RECEIVED

From: The Seacoast Half Marathon Organizing Committee

MAY 17 2021

Date: May 12, 2021

CITY MANAGER
PORTSMOUTH, NH

Dear Mr. Mayor and Members of the City Council,

The Seacoast Half Marathon Organizing Committee is formally requesting the city’s permission to hold the 16th Annual Seacoast Half Marathon on Sunday, October 31st 2021. This is a charity event with 100% of the proceeds going to a new Seacoast non-profit beneficiary every year. The organizing committee is volunteer only. This year’s recipient is Cornerstone Visiting Nurses Association. The race has raised over \$1.2M in its 15 years, in most years contributing \$100K to its selected beneficiary.

As in the past we intend to cap the registrations to have no more than 1,000 runners and walkers (likely much less in 2021) on course with walkers starting at 8:00AM and the runners at 8:30AM. Our official course closing time is 11:30AM.

The start is at the base of Summit Ave by the high school and the finish is at the parking area by the cafeteria of the high school. PHS has already agreed to reserve the date for an outside event. The route of the event includes South St. from the HS to Broad St. to Jones and then Sagamore heading towards Foye’s Corner (Circle) to Pioneer into Rye. The return re-enters Portsmouth at Foye’s back down Sagamore turning right onto Wentworth Rd to New Castle and re-entering Portsmouth along the causeway from New Castle to New Castle Ave. and up South St. back to PHS.

Each year in the past we met with the head of the DPW and Police Department and agree on a safety detail and hire the recommended police for traffic control (no road closures). In addition, we have over 45 volunteers on course at each intersection and blind curve to keep runners and drivers safe. In addition to our beneficiary, we give \$500 each to 5 non-profit organizations to host the water stops along the way in safe locations away from traffic.

We submit this request fully aware that Covid-19 safety considerations are fluid and in all of our promotions intend to reference the State of NH and CDC safety guidelines as our minimum to keep all runners and volunteers safe.

Thank you for your consideration and I look forward to an opportunity to discuss this request in more detail once you have an opportunity to review.

With Best Regards

Bruce Hurley

Seacoast Half Marathon Organizing Committee

Cell (603) 373-8323 bhurley@globallaminates.com

www.seacoasthalfmarathon.com

RECEIVED

MAY 17 2021

CITY MANAGER
PORTSMOUTH, NH

To Portsmouth City Council:

I am requesting to organize the sixth annual Race To Educate on Saturday, July 31, 2021. All proceeds from the race will benefit the organization, Education For All Children, Student-to-Student (EFAC S2S). I have held this race for five years, raising over \$36,000.

This year's race will not include a swimming portion, as it had in the past. Instead, the race will be similar to last year and be a duathlon. It will consist of a running portion followed by a bike ride followed by another running loop. We will stagger participants throughout the day to ensure proper social distancing among participants, as deemed necessary by local health officials. The race will begin at 10am on Saturday, July 31. Depending on needed social distancing and the number of registrants, the race may last until late-afternoon. Similar to past races, the runs will ideally take place in the trails behind the high school. The 7.5mile bike ride will ideally go through Portsmouth, New Castle & Rye.

I understand I need permission from the City Council and if granted the permission I will work with the police department and the other towns (New Castle and Rye) to ensure it is a safe event. Please call or email me with questions.

Lilia Potter-Schwartz, (603) 553-4632, efactri@gmail.com.

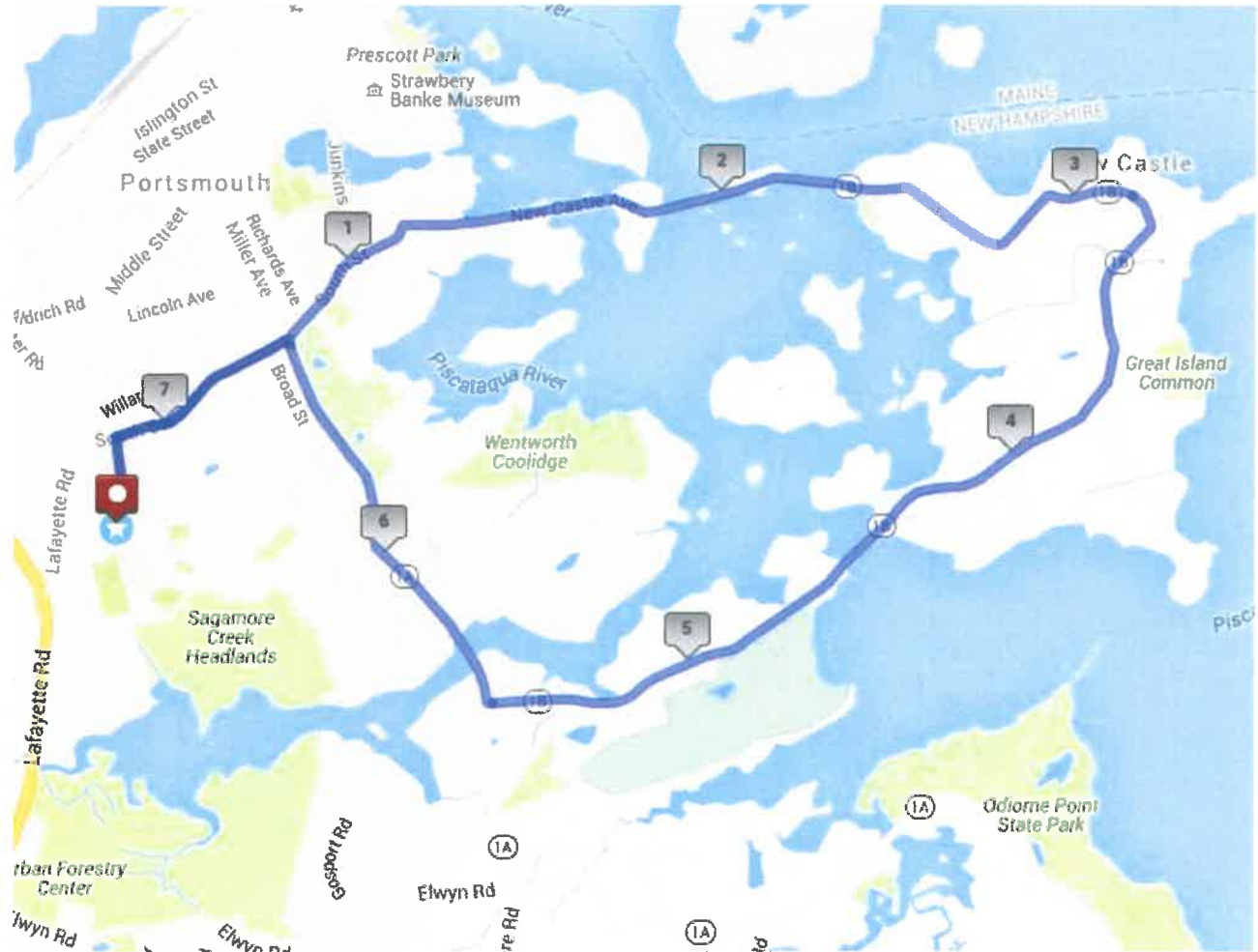
About EFAC S2S

Education For All Children, Student-to-Student (EFAC S2S) is a student-run organization founded in Portsmouth, NH in 2016. We work to raise money to support the secondary and university education of Kenyan students, raise awareness about global educational inequalities, connect American and Kenyan students, and foster leadership among American high school youth. As only 40% of Kenyan students can afford an education past primary school, this funding changes the economic and health trajectory of sponsored students, their extended family, and their community. EFAC S2S connects American and Kenyan students through frequent Zoom discussions, pen-pal relationships, and classroom presentations. With multiple chapters nationwide, EFAC S2S has become a sustainable organization of student leaders who oversee peer engagement in their local and global communities. To date, EFAC S2S has secured over \$254,000 in funding to support the secondary and university education of 32 Kenyan

students. All student scholarships are administered through the organization, Education For All Children.

Run: In trails behind high school or around high school

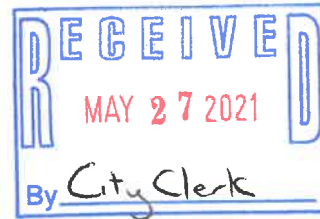
Bike Ride:



Run: In trails behind high school



25 May 2021



Portsmouth NH City Council
c/o City Clerk's Office
1 Junkins Ave
Portsmouth NH 03801

Dear City Council,

My name is Matt Junkin. I am the Race Director of the Seacoast Rotary Turkey Trot 5k.

I am writing this letter to ask the City Council consider approval of our 13th Annual race which will take place on Thanksgiving November 25th, 2021. Registration for the race begins at 7am and the race will commence at 8:30 AM on Peirce Island, and Finish at Strawberry Banke.

Thank you for your consideration as well as the support you have provided for this event over the last 12 years.

Best Regards,

A handwritten signature in blue ink, appearing to read "Matt Junkin".

Matt Junkin
Past President, Seacoast Rotary
mrjunkin@gmail.com
603-591-0083

Prescott Park Yoga Proposal

Date: 5/27/2021

City of Portsmouth
1 Junkins Avenue
Portsmouth, NH-03801

Dear Mr. Henley,

I have been advised to send you an updated proposal requesting to lead free yoga classes at Prescott Park, beginning June 7th 2021.

I completed my Yoga Teacher Training in the Summer of 2018 and have been teaching ever since. After moving to Lee, NH, my classes are held online, twice a week via zoom. I teach a safe, slow and mindful class with focus on alignment. My current customer base ranges from 20 to 70 years old. I also teach pre-natal yoga to expecting mothers in light of my current enrollment in a pre and post-natal certification.

At the park, everybody would be held to a distance of at least 6ft and wearing their mask until class begins. All precautions to prevent the spread of Covid-19 will be taken. Sanitizer and sanitizing wipes will be provided for everyone. I will bring my own waste bag to make sure the park stays clean as well.

My mission is to provide an accessible and healthy activity for everyone in the Portsmouth community. The classes would be held Mondays and Wednesdays from 12:00pm until about 12:45pm(Weather dependent). This will allow for a quick class for those on their lunch break. I am open to a schedule change if these times do not work with the park schedule.

For further details contact me at 603-866-1880. I am looking forward to hearing from you.

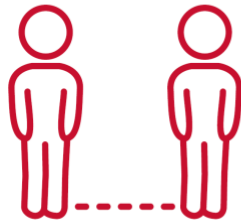
Sincerely,

Michelle Bitterli

Michelle Bitterli, 135 Stepping Stones Road, Apt. C, Lee, NH-03861
Cell: (603) 866-1880
E-Mail: michelle.bitterli1@gmail.com

Covid Precautions Prescott Park Yoga

To ensure safety amongst the yoga practitioners, the following precautions will be adhered to.



keeping a distance of 6 ft



sanitizing wipes are provided to clean hands and mats



Masks are worn until everybody is placed on their mat and class begins. Before everyone gets up, masks are put back on.

CITY COUNCIL E-MAILS

June 7, 2021 Council Meeting

May 17, 2021 (after 5:00 p.m.) – June 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 June 7, 2021 City Council meeting posting on the website

If you need further information, please contact the City Clerk's Office at 610-7208.

June 1, 2021

Karen Conard, City Manager
City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801



Ms. Conard,

The Music Hall respectfully submits this request to the City of Portsmouth to grant approval for the closures of Chestnut Street, 1 lane of Hanover Street between Fleet Street and the Portwalk Garage entrance, and the southern half of Portwalk Place to present a multi-stage outdoor music festival to benefit our community's first responders and frontline essential workers including educators, public works employees, grocery store workers, postal service workers, corrections officers, food/manufacturing workers, and public transit workers, to take place on Saturday, September 25, 2021. This event would consist of three outdoor stages situated on Chestnut Street, Vaughan Mall, and the corner of Hanover Street and Portwalk Place. Traffic will be able to pass through Hanover Street during the event with police detail and proper signage to ensure safety for all.

We are partnering with Jeff Johnston and Cathartes to present this event and look forward to working collaboratively with their team to ensure a safe, successful event.

The schedule for this event is as follows:

- 6AM: set-up of Chestnut stage and enclosed viewing area on Chestnut
- 8AM: set-up of Hanover/Portwalk stage and enclosed viewing area
- 1PM: First performance begins on Chestnut Street
- 2:15PM: Performance on Chestnut Street ends
- 2:30PM: Performance on Vaughan Mall begins/Strike of Chestnut venue begins
- 3:15PM: Performance on Vaughan Mall ends
- 3:30PM: Performance on Hanover/Portwalk begins
- 5:00PM: Performance on Hanover/Portwalk ends | Chestnut Street cleared by this time
- 5:15PM: Performance on Vaughan Mall begins/Strike of Hanover begins
- 6:00PM: Performance on Vaughan Mall ends
- 7:00PM: All three stage/viewing areas are clear by this time
- 8:00PM: Headline performance INSIDE The Music Hall's Historic Theater begins

The set-up on Chestnut Street would be nearly identical to our existing Live Under the Arch series, however tables/chairs will be placed only in the front-of-stage area for VIP seating. This allows for standing room within the same enclosed area (increased capacity).

At Vaughan Mall, we are looking to host solo acoustic acts with no enclosed viewing area or seating. This would be identical to the setup for any previous Vaughan Mall performances.

The Hanover Street/Portwalk Place stage would be located on the herringbone brick intersection of Portwalk, Vaughan, and Hanover, facing Portwalk Place. We would enclose Portwalk Place as a ticketed viewing area, without seating, while allowing access to outdoor seating at the adjacent restaurants. Guests dining at these restaurants would not be required to purchase tickets to view the concert. As aforementioned, Hanover Street would not be closed to traffic, only one half of the crosswalk area will be obstructed for stage placement. Traffic will be managed by police detail to ensure safety.

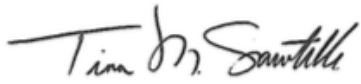
In addition to the closure of streets, we request the approval for beer to be served in the enclosed/barricaded viewing areas on Chestnut Street **and** on Portwalk Place under The Music Hall's liquor license and a single day festival license, respectively. Beer service would be served only by The Music Hall's professional, Servsafe, and T.E.A.M. certified staff. We will have full security presence at both enclosed areas. The ability to serve beer at these events will help us to offset the costs of producing such an event. We have safely served alcohol in outdoor settings many times and are fully confident in our ability to do so safely and responsibly. Those looking to purchase beer will have their ID's checked and be given a wristband. All insurance requirements will be met in accordance with City of Portsmouth requirements.

In terms of entertainment at this event, we will be featuring local and regional talent on stage and following all laws and guidelines set forth by the City of Portsmouth. The stage on Chestnut Street will be small enough in size that in the event of an emergency, it can be moved to the side of the street to allow safe and speedy access for any emergency vehicle and personnel to Chestnut Street. The stage on Hanover Street will be placed in the crosswalk so as to allow one full lane of traffic to travel behind the stage. With the aid of police presence detailing at this event, emergency vehicles would also be able to access buildings on Chestnut Street via Porter Street and Portwalk Place via Deer Street.

As you are aware, The Music Hall has had great success with our Live Under the Arch series as well as with 2019's Concert in the Lot event in collaboration with the City of Portsmouth. We are extremely confident in our ability to safely and successfully execute an event of this size and capacity. Events such as these will have great economic impact, not only for The Music Hall and its corporate sponsors but also for local restaurants and musicians, to further help stimulate downtown's economic engine for other local retailers and the city itself.

We are so grateful to the City of Portsmouth officials and staff, council people, and citizens for their continued support of our institution.

Sincerely,

A handwritten signature in black ink that reads "Tina M. Sawtelle". The signature is written in a cursive style with a horizontal line underlining the first name.

Tina Sawtelle

Executive Director, The Music Hall

28 Chestnut St.

Portsmouth, NH 03801

tsawtelle@themusichall.org

September 25 Mini Music Festiva...

Green blocks are stages.
Purple blocks are enclosed viewing areas.
Red block is generator.
5 views

All changes saved in Drive

Add layer Share Preview

Untitled layer

Individual styles

Generator

Hanover Street Stage

Line 3

Line 4

Line 5

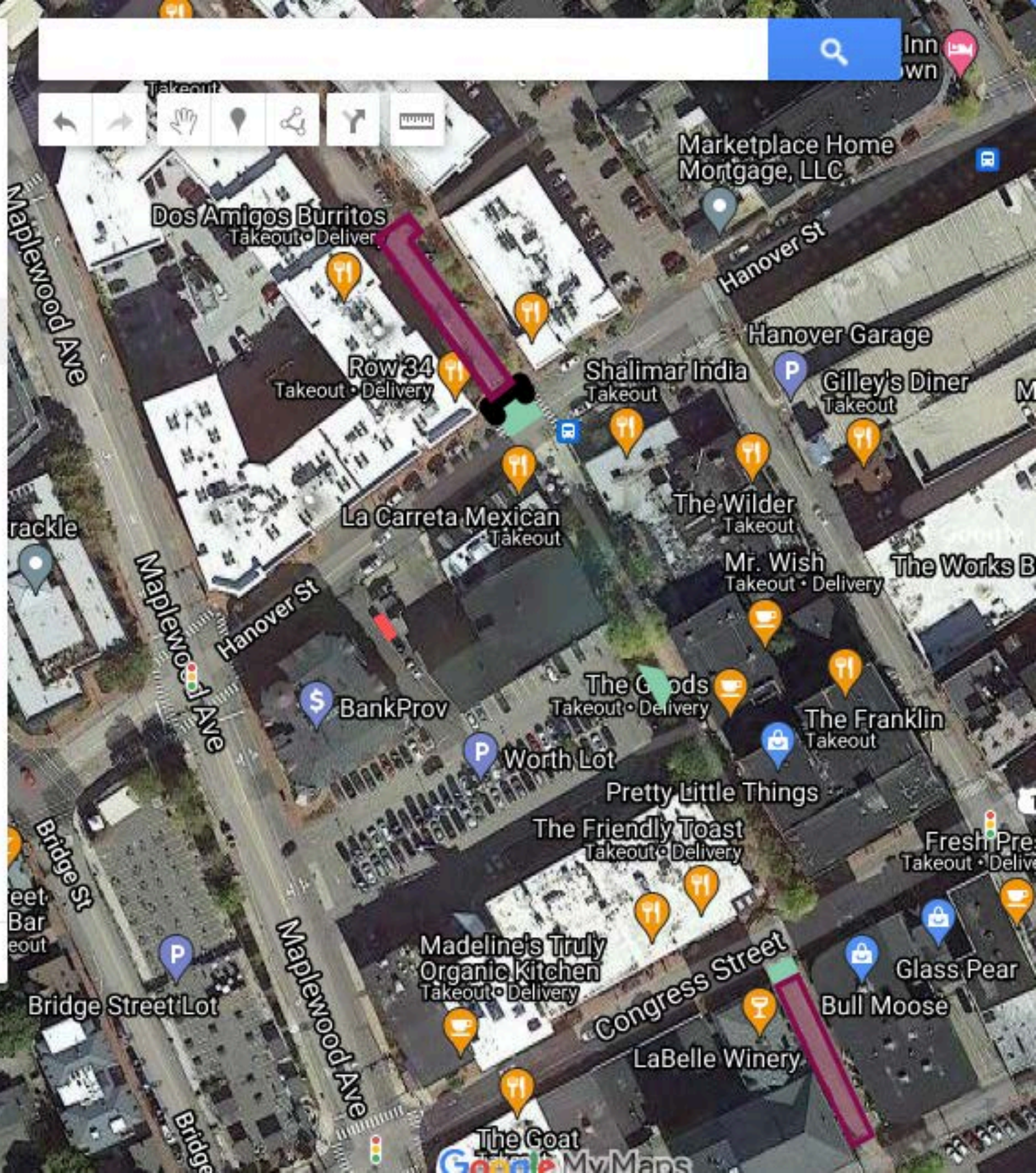
Portwalk Enclosed Viewing ...

Vaughan Mall Stage

Chestnut Street Stage

Chestnut Enclosed Viewing ...

Base map



Portsmouth Community Garden

A place to grow

Request – Portsmouth City Council

June 2, 2021

Mayor Becksted and Portsmouth City Council
City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor Becksted and the entire Portsmouth City Council,

A group of passionate citizens propose the creation of a Portsmouth Community Garden with a mission “to create a community space where individuals and local organizations can grow food in a peaceful, respectful and inclusive environment.”

In order to do so, we request a partnership with the City of Portsmouth and require the following support:

- Space at the Route 33 city-owned NH Rideshare Lot which has unused, open space with parking, sun exposure and flat topography
- Extension of the water line to create two water stations at either end of the garden area
- Any additional liability rider to existing city insurance policy to cover this Portsmouth Community Garden

This will enable the build-out of the garden space in 2021 ahead of a full launch in time for the 2022 growing season, approximately April – October.

Benefits to the community are multiple and include, but are not limited to the following:

- Economic – Community gardens often increase property values within the towns where they are located.
- Environmental – This request supports the preservation of green space within the city and promotes sustainable agriculture.
- Health – Community gardens provide access to nature, opportunities for physical activity, a place for relaxation and recreation with those physical and mental health benefits as well as the ability to reap a nutritious harvest of “home grown” produce.
- Community – This version of a community garden continues a historic Portsmouth tradition, as per the article in the Portsmouth Herald on May 9 entitled [“Planting Seeds of History: The Portsmouth Subsistence Gardens in the Great Depression”](#) and offers a safe community building activity post-pandemic.

The Steering Committee submitted a full project plan, see attached, to representatives of the Legal and Department of Public Works departments of the City of Portsmouth and now requests support from the City Council in order to proceed.


Do not hesitate to reach out with any questions and/or advise of next steps.

Regards,

Tricia Donohue, Beth Hartnett and Tamara Henderson

Representatives of the Portsmouth Community Garden Steering Committee (Chair, Communications Lead and Vice Chair, respectively)

Cc: Kelly Barnabas, Robert Sullivan, Peter Rice and Jessica Griffin



Portsmouth Community Garden

A place to grow

May 24, 2021

Agenda

- Introduction and Overview
 - Design
 - Steering Committee
 - The Phased Rollout Plan
 - City Support Wish List
- City of Portsmouth Discussion Points
- Appendix

Portsmouth Community Garden – Introduction

The Mission – To create a community space where individuals and local organizations can grow food in a peaceful, respectful and inclusive environment

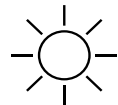
Why

- No current community garden large enough to support demand
- Economic, environmental, health and community benefits
- Safe community building activity post-pandemic



What

- 75'x226' area and 8' deer fence
- 4'x8' raised beds (20)
- 8'x16' in-ground beds (10)
- Clean soil test from the UNH Cooperative Extension
- Organic gardening practices
- Annual membership dues



Where

- Route 33 city-owned NH Rideshare Lot
- Unused, open space with parking, sun exposure and flat topography
- Major gateway corridor location with excellent visibility
- Bike and walking path accessible



Who

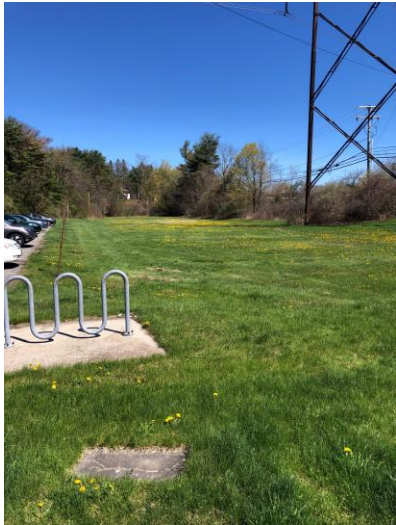
- City of Portsmouth
- Steering Committee and Advisory Board
- Gather, a local 501(c)(3) organization to serve as fiscal sponsor
- Terra Firma (donated design plan)
- Rotary Club of Portsmouth (\$5,300 grant)



Portsmouth Community Garden – Design

The Garden Layout – Transforming unused, open space with parking, sun exposure and flat topography into a community garden

Now



Soon



PORTSMOUTH COMMUNITY GARDEN		terra firma landscape architecture		165 a Court Street Portsmouth, NH	
DATE	NOV 17, 2011	REVISION	NOV 17, 2011	NO	NOVA 1000
DESIGNED BY	TC	PROJECT	PORTSMOUTH COMMUNITY GARDEN	NO	NOVA 1000
DRAWN BY	TC	DATE	NOV 17, 2011	NO	NOVA 1000
CHECKED BY	TC	SCALE	AS SHOWN	NO	NOVA 1000
APPROVED BY	TC	PROJECT NO.	0000000	NO	NOVA 1000
LANDSCAPE PLAN					

Portsmouth Community Garden – The Steering Committee

The Initial Support – A recent news article generated an outpouring of interest, engagement and excitement



Tricia Donohue
Chair



Beth Hartnett
Communications Lead



Tamara Henderson
Vice Chair



Kenneth Murphy
Legal Lead



Anna Perracchio
Secretary/Membership
Coordinator



Toni Pollak
Gardening Advisor



Chris Robillard
Treasurer

Open Positions – Outreach Coordinator, Fundraising Lead and additional advisors



**Blue Ribbon Committee to Reopen
Portsmouth 2021**

James Petersen, Petersen Engineering,
Co-Chair

Mark Stebbins, ProCon Construction,
Co-Chair

Karen Conard, City Manager

Kim I. McNamara, City Health Officer
Councilor Petra Huda, City Council
Representative

John Akar, Cava Tapas & Wine Bar

Deb Anthony, GATHER

Ann Birner, Pharm D

Karen Bouffard, real estate & Kaffee
VonSolln

Martha Fuller Clark, citizen at-large

Rich DiPentima, BSN, MPH

Alan Gold, EDC, strategy consultant,
nonprofit board member

John Golumb, Poco's

Jeffrey Goss, Clipper Tavern

Jim Lee, real estate

Kathryn Lynch, RN

Valerie Rochon, Chamber Collaborative

Anne Weidman, JSA Inc.

May 26, 2021

The Honorable Mayor Becksted
City Hall
One Junkins Avenue
Portsmouth NH 03801

Dear Mayor Becksted,

At its Tuesday, May 25 meeting the Blue Ribbon Committee on Health unanimously passed a motion to support the removal of the outdoor mask mandate via the Ordinance Hearing process put in place for City Council action on June 1 and June 7, 2021.

On Wednesday, May 26, the Blue Ribbon Committee to Reopen Portsmouth endorsed the motion and voted to sign onto this letter.

At this time, we encourage the continuation of the indoor mask mandate when physical distancing cannot be maintained from persons outside one's household/cohort. The rationale for continued indoor mask use is to allow the time needed for retail/restaurant/other entities to complete employee vaccinations, to protect those who cannot be vaccinated and children under age 12 who are not currently eligible for vaccination, and to support the request of many small businesses in Portsmouth to continue the mask mandate through its planned expiration date of June 30, 2021.

If further information is needed as the City Council considers this change to the ordinance, please contact us.

Sincerely,

James Petersen

James Petersen
Co-Chair,
BRC to Reopen Portsmouth

Mark Stebbins

Mark Stebbins
Co-Chair,
BRC to Reopen Portsmouth

Kathryn R. Lynch

Kathryn R. Lynch, DNSc, RN [ret]
Chair, Blue Ribbon Committee on Health

CITY OF PORTSMOUTH PORTSMOUTH, NH 03801

Office of the City Manager

DATE: June 2, 2021

TO: Honorable Mayor Becksted and City Council Members

FROM: Karen S. Conard, City Manager *KSC*

RE: Questions Posed by Councilors Kennedy and Huda via Electronic Mail on May 30th and 31st

In response to questions posed by Councilors Kennedy and Huda via electronic mail on May 30, 2021 and May 31, 2021, please see the corresponding responses below.

From Councilor Kennedy:

- **Question 1: What are the gross parking revenues for McIntyre for the 135 parking spots per month?**

Answer 1: Assuming all 135 spaces are treated equally and sold as a transient product, it is estimated that annual revenues in Year 1 (accounting for the absorption of startup costs of \$14,738 to make the lot monetized) would be \$272,951.48, and in subsequent years \$287,689.48.

- **Question 2: What is the increase in revenues given our increase in fees on parking that was recently voted on?**

Answer 2: Given that there have been two separate actions taken within the last year relative to parking, I am not sure if Councilor Kennedy is asking about the implementation of Stay & Pay **fees** (adopted August 17, 2020) or the recent increase in selected parking **finer** (adopted May 17, 2021). To give an update for each scenario, we are using comparative data from a two-week period in 2019 vs. 2021, given that 2020 was not a good year from which to draw a realistic comparison.

With Stay & Pay, using the comparison of May 18-31, 2019 vs. May 18-31, 2021, revenues were down 9% because transactions were down 31%. However, there was a 32% increase in revenue per transaction. In May 2019 for this two-week period, there were 77,810 transactions totaling \$244,117 (\$3.14 per transaction, at 94% of peak). In May 2021 for the same two-week period, there were 53,692 transactions totaling \$222,361 (\$4.14 per transaction, at 80% of peak).

With the increase in selected parking fines from \$15 to \$35, in just a two-week period we can report that there are fewer tickets being written (26% decrease), and seeing more revenue (56% increase). Given that 2020 was not a good year from which to draw a realistic comparison, from May 18, 2019 to May 31, 2019, the City issued 1,813 tickets which generated \$28,990. Using that same time period for 2021, the City issued 1,342 tickets which generated \$45,322. This action appears to be achieving the desired behavior change.

Parking Director Ben Fletcher will be available during the June 7th Council meeting to answer any additional questions.

- **Question 3: Given the table provided in the recent report back to the Council regarding the sewer cash balance as of April 30, 2021 (see below), can you please tell me why we have so much in the Retainage (Peirce Island SRF only)? Given the fact that it has been bonded.**

Sewer-Total Cash as of April 30, 2021	48,993,555
Unspent Bond proceeds and retainage	12,315,615
Retainage (Peirce Island SRF only)	3,141,388
Accrued Interest SRF loan	2,324,800
Accrued Employee Leave at Termination as of 6/30/20	344,259
FY21 Liability for remaining debt service payments due in June	3,211,047
Reserve-Encumbrance	679,120
Reserve-Capital Outlay	3,920,476
Reserve-Litigation	5,000,000
Reserve-Rate Stabilization	13,308,574
Unrestricted Cash	4,748,276

Answer 3: The City did not use a municipal bond to fund the Peirce Island Wastewater Treatment Facility Construction. The City took advantage of the State Revolving Loan Fund (SRF) through the NH Department of Environmental Services. Retainage is a portion of money withheld by the City as a guarantee until Methuen Construction completes its work. This is typical in any major construction contract. These funds are due to Methuen Construction and will eventually be released.

- **Question 4: What is the Unrestricted Cash used for? I find this a lot of money given we have all the reserve funds.**

Answer 4: Based on the most recent version of the rate model, the City will use the full amount of the rate stabilization funds by FY26. The unrestricted case will be used to offset additional projected budget shortfalls in FY26 and beyond. Using these funds will be necessary to maintain the glide path approach to sewer rates as presented on May 19th at the Water/Sewer/Wastewater Budget Work Session.

From Councilor Huda:

- **Question 1: City Manager to address the following: Depreciation of the Sewer Camera Truck: five years. The truck was purchased in September 2012 utilizing FY2013 funding, and thus has been fully depreciated. Sewer Truck #S135 has been listed in the Rolling Stock section of every FY Budget Book as purchased in FY13 having a 10 year useful life, so no it is not fully depreciated, & is not scheduled for replacement until FY23! There are no vehicles that have a 5 year useful life in the Sewer replacement schedule, also staff have represented to all previous Councils that the useful life of this asset is 10 years, this cannot be arbitrarily changed. The Rolling Stock line should be decreased by \$200,000 in the Sewer Enterprise Fund.**

Answer 1: The City's depreciation policy for most rolling stock (not including fire engines) is five years, therefore each year for five years we expensed \$20,000 on the \$100,000 vehicle. Useful life and depreciation are two different considerations here. Note that this has no effect on the sewer rate (as depreciation is not a cash transaction).

The Camera Truck in question has been a front line vehicle for nearly 10 years. This vehicle has a 6.7 liter diesel engine. These engines were built to drive hot in order to burn off the particulate matter. The nature of camera work is that of high idle time, not hard highway miles. This is the worst situation for this type of engine. Every idle hour is equal to 25 miles. The current mileage on this vehicle (including idle time) is 97,534. The truck was built with a 10' offset; this weight distribution prematurely causes rear spring breakage. The tail swing is a problem in tight areas and the generator setup is inferior, causing near constant overheating. The camera gear is very heavy and contributes to ongoing suspension challenges.

It is the opinion of both staff and management that this truck has come to the end of its useful life, and due to the long delays with truck orders due to the pandemic-induced global chip shortage, it is recommended that this vehicle be replaced in FY22. The planned replacement will be a Transit 350 with a high roof and heavy suspension. This will be a better fit for its daily use as a CCTV vehicle. For reference: H160 (Transit) was ordered on 4/30/20 but not delivered until 5/10/21. We anticipate the chip shortage will have a similar effect on all FY22 vehicle purchases. One last note: in FY17, we moved up the purchase of this vehicle from FY23 to FY22 because we were experiencing significant suspension problems (as camera equipment is appreciably heavy).

- **Question 2: Please explain the Finance department request for an additional Controller position with a salary of \$73,042 (page 160). This department already has a Controller/Enterprise accountant with a salary of \$96,380. That will bring the Finance Department to a total of 12 FTEs. There has not been an increase in population or services performed by the Finance Department and this request seems out of line with the number of Finance department FTEs of comparable municipalities of similar complexity. In comparing: Portsmouth with a population of 22,206 – Finance FTEs of 11. Dover which has a population of 32,191 – Finance FTEs of 7.93. Manchester with a population of 112,109 – G&A Finance FTEs of 9.**

Answer 2: As mentioned at the May 13th General Government Budget Work Session, the request is to support succession planning within the Finance Department. There are several long-tenured employees who are nearing retirement. In addition, it is important to note that there has been a substantial increase in the number/volume and complexity of inquiries during this Council term. The addition of this position is critical to the continued success and responsiveness of the Finance Department.

In comparing our Finance Department to that of other municipalities, it is important to take into account which functions they include. For example, Dover's Finance Department actually has 11 FTEs and does NOT handle payroll. Our Finance Department includes two payroll employees and also serves the School Department.