Portsmouth, NH City Council

Eileen Dondero Foley Council Chambers

City Hall Complex, 1 Junkins Avenue, Portsmouth, NH

Monday, October 26, 2026, at 7:00 pm

Register to participate via Zoom. A unique meeting ID and password are provided once you register. To register, click on the link below or copy and paste into your web browser:
https://us06web.zoom.us/webinar/register/WN_PMKWVXCQRfqkPUkFODC6Uw

Anticipated Non-Public Session

5:30 pm – Anticipated Non-Public Session is being held in Conference Room A in accordance with RSA 91-A:3, II (a), (d), (l) and (m)

Agenda

Page

1. Rolling Stock Work Session 6:00 pm

2. Public Dialogue Session (when applicable)

3. Call to Order (7:00 pm or thereafter)

4. Roll Call

5. Invocation

6. Pledge of Allegiance

7. Acceptance of Minutes

A. Minutes and Actions of the October 13, 2026, City Council meeting DRAFT City Council minutes and actions of October 13, 2026.pdf 6

(Sample motion – move to accept and approve the minutes of the October 13, 2026, City Council meeting)

8. Recognitions and Volunteer Committee Reports

A. Proclamation 16

- Domestic Violence Awareness Month Proclamation Domestic Violoence Awareness.pdf

9. Public Comment Session

This session shall not exceed 45 minutes; participation may be in person or via Zoom

10. Public Hearings and Vote On Ordinances and/or Resolutions

A. Third and Final Reading to Amend Chapter 10, Zoning Ordinance, which will remove most parking regulations from the Zoning Ordinance to the Site Plan Review Regulations (except one and two-family dwellings)

(Sample motion - move to pass third and final reading as presented)

B. Adoption of Resolution #15-2026 authorizing a Bond Issue and/or Notes of the City under the Municiple Finance Act of up to Six Hundred Thousand Dollars ($600,000) for costs related to the purchase of fire apparatus Legal Notice Resolution 15-2026 Fire Apparatus.pdf 17

(Sample motion - move to adopt Resolution #15-2026 as presented)

11. City Manager's Items Which Require Action CM Report 10_26_2026.pdf 22

A. *Request for Solid Waste Ordinance Work Session

(Sample motion - move to schedule a Solid Waste Ordinance Work Session on December 7, 2026, at 6:00 pm to allow staff to provide additional details on solid waste collection challenges and receive City Council and public input)

B. Request for First Reading on Sewer Ordinance CM Action Item Regarding Sewer Ordinance First Reading.pdf 30

(Sample motion - move to schedule first reading on November 16, 2026, regarding an amendment to the Sewer Use Ordinance which will delete in its entirety the existing ordinance in Chapter 11, Article II, and replace it with a new ordinance in Chapter 16, Utilities, Article III, Sewers)

C. Friends of Lafayette House PILOT Agreement for FY2027 CM Action Item Regarding Friends of Lafayette House PILOT Agreement.pdf 91

(Sample motion - move to authorize the City Manager to enter into a PILOT Agreement with Friends of Lafayette House in the amount of $3,500 for FY2027)

D. Betty's Dream Foundation PILOT Agreement for FY2027 CM Action Item Regarding Bettys Dream Foundation PILOT Agreement.pdf 96

(Sample motion - move to authorize the City Manager to enter into a PILOT Agreement with Betty's Dream Foundation in the amount of $3,000 for FY2027)

E. Planning Board Recommendation Regarding Licenses and a Sidewalk Easement for 361 Hanover Street CM Action Item Regarding 361 Hanover Street Easements.pdf 101

(Sample motion - move to authorize the City Manager to accept and record a Sidewalk Easement, a Landscape License, and a Pole License from 361 Hanover Steam Factory, LLC for 361 Hanover Street in a form acceptable to the City Attorney, subject to the

recommendations in the enclosed memorandum from Assistant Planning Director Stith)

F. Memorandum of Agreement - Portsmouth Professional Fire Officers Association, Local #4039 CM Action Item Regarding Fire Officers MOA.pdf 104

(Sample motion - move to approve the Memorandum of Agreement with the Portsmouth Professional Fire Officers Association, Local #4039 as presented)

G. Planning Board Recommendation on Cornwall Street CM Action Item Regarding Cornwall Street.pdf 105

(Sample motion - move to schedule a public hearing on the discontinuance of the identified portion of Cornwall Street at the November 16, 2026, City Council Meeting)

H. Planning Board Recommendation on Taft Road CM Action Item Regarding Taft Road.pdf 134

(Sample motion - move to approve the discontinuance of the identified portion of Taft Road, subject to the recording of a Municipal Utility Easement over the existing water line in a form acceptable to the City Attorney)

I. Planning Board Recommendation on 0 Elm Street CM Action Item Regarding 0 Elm Street.pdf 137

(Sample motion - move to authorize the issuance of a building permit for 0 Elm Street contingent on the applicant obtaining all other required variances, approvals, and permits, and on construction of a driveway adequate for emergency vehicle access as approved by the Department of Public Works and the Fire Department; this authorization confers no private right of access over Forrest Street or any other private property)

Or

(Sample motion - move to deny the request on the ground that the lot has no frontage and does not abut any constructed private road or other street)

J. Sidewalk Easement for Property Located at 48-50 Langdon Street CM Action Item Regarding Langdon Street.pdf 152

(Sample motion - move to authorize the City Manager to accept and record a Sidewalk Easement Deed from Martin Husslage)

12. Consent Agenda

Consent Action - No items for this meeting

13. Presentations and Written Communications

A. Email Correspondence Email Correspondence Packet 10.26.26.pdf 153

(Sample motion - move to accept and place on file)

14. Mayor McEachern

A. Appointments to be Considered 161

- Peter Weeks reappointment to the Trustees of the Trust Funds Peter Weeks - Trustees Reappointment.pdf

B. Appointments to be Voted
- Zachary (Zach) Dombrowski to full member to the Economic Development Commission
- Matthew Jeffers to alternate member to the Economic Development Commission

(Sample motion - move to appoint as presented)

15. City Council Members

A. Councilor Bagley
Sealed Minutes of the Monday, September 28, 2026, Non-public Session

(Sample motion - move to release the sealed minutes of the Monday, September 28, 2026, non-public session, held under RSA 91-A:3 II(l) as the circumstances warranting their sealing no longer apply)

B. Councilor Hopkins
- Parking & Traffic Safety Committee Action Sheet and Minutes of the October 1, 2026 meeting

(Sample motion - move to approve and accept the action sheet and minutes of the October 1, 2026, Parking & Traffic Safety Committee Meeting)

16. Approval of Grants/Donations

A. Point of Graves Cemetery Donations Donation Point of Graves Packet.pdf 162

(Sample motion - move to accept with thanks donations for the Point of Graves Cemetery Wall Replacement from an anonymous resident, Charles & Barbara Bickford, and Michael Pennington, in the amounts as presented in the attached Gift and Donation Submission Forms)

B. FY26 Byrne Discretionary Community Projects Grant in the amount of $1,000,000 from the Office of Justice Programs to fund NH Internet Crimes Against Children Task Force's COPS and Enhanced Capacity Program FY26 Byrne Discretionary Community Projects Grant.pdf 165

(Sample motion - move to accept the FY26 Byrne Discretionary Community Projects Grant in the amount of $1,000,000 and its terms and conditions from the Office of Justice Programs to fund NH Internet Crimes Against Children Task Force's COPS and Enhanced Capacity Program)

C. FY26 COPS Technology and Equipment Program Grant in the amount of $1,031,000, from the Office of Community Oriented Policing Service for the Portsmouth Police Department FY26 COPS Technology and Equipment Program Grant.pdf 183

(Sample motion - move to accept the FY26 COPS Technology and Equipment Program Grant in the amount of $1,031,000 and its terms and conditions from the Office of Community Oriented Policing Service for the Portsmouth Police Department)

17. City Manager's Informational Items

A.	Annual Food and Liquor Permit Renewals CM Info Item Regarding Food and Liquor Permits.pdf	201
B.	*Pease Development Authority Board Meeting Update	
C.	Resident Access Parking Program (RAPP) Q1 Report Back CM Info Item Regarding RAPP Quarterly Check in October 26 2026.pdf	203
D.	*Off-Peak/Workweek Parking for Downtown Businesses Report Back	
E.	*General Fund Revenues Update	
F.	*Offsite Water and Sewer Improvements - Borthwick Avenue and Sherburne Property	
G.	*Mechanic Street Pump Station 2nd Public Meeting - November 9, 2026, in Council Chambers at 6:30 pm	

18. Miscellaneous Business Including Business Remaining Unfinished At Previous Meeting

19. Adjournment (At 10:30 pm or earlier)

*Indicates verbal report with no attachments

Sally A. Kellar
City Clerk

Draft

Portsmouth, NH City Council Regular Meeting October 13, 2026

Eileen Dondero Foley Council Chambers

Tuesday, October 13, 2026, at 7:00 PM

Minutes

1. Non-Public Session

Assistant Mayor Kelley moved to close non-public session and to seal the meeting minutes. Seconded by Councilor Moreau.

Motion passed unanimously.

2. Work Session (when applicable)

3. Public Dialogue Session (when applicable)

4. Call to Order (7:00 p.m. or thereafter)

Mayor McEachern called the meeting to order at 7:09 p.m.

5. Roll Call

Present: Mayor McEachern, Assistant Mayor Kelley, Councilors Cook, Tabor, Blalock, Bagley, Moreau, Flynn and Hopkins

6. Invocation

7. Pledge of Allegiance

Mayor McEachern led the Pledge of Allegiance.

8. Acceptance of Minutes

A. Minutes and Actions of September 28, 2026, City Council Meeting

Assistant Mayor Kelley moved to accept and approve the minutes of the September 28, 2026, City Council meeting. Seconded by Councilor Cook.

Motion passed unanimously.

9. Recognitions and Volunteer Committee Reports

10. Public Comment Session

There were 5 speakers:

Sue Polidura presented the request of a Paul Revere Plaque to commemorate a midday ride of Paul Revere in Portsmouth during the American Revolution. Funding is not being requested.

Peter Coddington is in support of a Paul Revere Plaque especially as we celebrate the 250th Anniversary of the United States. He would like to see Portsmouth take credit for happenings before Paul Revere's infamous midnight ride. He thanked the Council for their service.

Tony Keating, Newcastle, NH, shared his perspective on the Paul Revere plaque initiative. The request is well documented in the presented proposal. He thanked Mike Geanoulis, Sr. for researching and documenting this historic event.

Tyler Garza, on Zoom, is in support of Agenda Item 15.C, ADU tax exemption

Mike Geanoulis, Sr., Newcastle, NH, spoke about the event the plaque will commemorate. He is donating, as a gift to the Portsmouth Public library, the historical account of this event.

Councilor Moreau moved to take Agenda item 13.B out of order - Letter from Curtis Hermann from the New Hampshire Sons of the American Revolution, Sue Polidura and Michael J. Geanoulis, Sr., Historians, requesting permission to donate and install a new Paul Revere Marker in Market Square. Seconded by Councilor Bagley.

Motion passed unanimously.

Agenda item 13.B taken out of order - Letter from Curtis Hermann from the New Hampshire Sons of the American Revolution, Sue Polidura and Michael J. Geanoulis, Sr., Historians, requesting permission to donate and install a new Paul Revere Marker in Market Square.

Councilor Bagley commented on Portsmouth's involvement in the American Revolution and thanked those involved in this proposal.

Councilors Cook and Blalock echoed Councilor Bagley's comments and shared their favorite American Revolution stories.

Mayor McEachern also supports the placement of this plaque and the importance of documenting Portsmouth history throughout the city.

Sue Polidura asked for permission to share Mr. Geanoulis 's poem, "Shots Not Heard Round the World", about this event, and asked if Mr. Geanoulis could read his poem aloud.

Councilor Tabor moved to refer to the City Manager with authority to act. Seconded by Councilor Moreau.

Motion passed unanimously

Councior Bagley moved to suspend the rules and allow Michael Geanoulis, Sr. to read his poem aloud. Seconded by Councilor Moreau.

Motion passed unanimously.

Shots Not Heard Round the World.pdf

Assistant Mayor Kelley moved to suspend the rules and bring Agenda item 15.A out of order - Municipal Building Blue Ribbon Committee Recommendation. Seconded by Councilor Moreau.

Motion passed unanimously.

Agenda Item 15.A taken out of order - Councilors Cook and Tabor

- Municipal Building Blue Ribbon Committee Recommendation

Councilor Bagley feels this is a solid municipal building plan and he supports it. It is a phased project. All the bonding will not be done all at once.

Councilor Cook was originally skeptical about this plan because she thought the scope was too large, and the cost was too great. Overtime she learned the committee worked hard to limit the scope, so what is needed gets done. She explained that the money would come from the existing CIP budget.

Councilor Tabor commented that this project will last many years and serve the City well. He believes this project can be done as efficiently as possible without having to look at a new location to meet the needs of the Police Department. He feels this is a tremendous value for the money. City Hall will be rehabilitated and enhanced in a better way to serve the public. He is in support of this project.

Councilor Moreau thanked the building committee for the work that has been done. The space has been used wisely. She is in support of this project.

Councilor Blalock commented that this project has been discussed for over 10 years. He asked what is going to happen to the rock room?

Councilor Cook talked about increasing storage through basement space being added to additions.

Mayor McEachern thanked key players who worked on this project. He also thanked Councilors Tabor, Cook and Bagley for their work serving on this committee. He appreciates the efforts to find savings for this project.

Councilor Bagley also thanked Joe Almeida for his work on this committee and keeping an old building running.

Councilor Cook moved to accept the recommendation of the Municipal Building Blue Ribbon Committee regarding Final Concept C, including the revised third and fourth-floor and HVAC and electrical upgrades, as the preferred design concept for the Municipal Complex Upgrade, consistent with the revised project cost estimate and phasing plan, for a total project cost estimate of $58.6 million, and update the existing CIP element sheet in the FY28-33 CIP. Seconded by Councilor Tabor.

Motion passed unanimously.

11. Public Hearings and Vote On Ordinances and/or Resolutions

A. Public Hearing and Second Reading to amend Chapter 10, Zoning Ordinance, City of Portsmouth Zoning Map, be amended to change to the district boundary of the Historic District

- **PRESENTATION**

  Assistant Planning Director, Peter Stith, explained the proposed amendments, the reasons to change the boundary, the proposed boundary, parcels that will be affected, Historic District Amendments and the implementation plan.

- **CITY COUNCIL QUESTIONS**

Councilor Moreau gave some context to the boundary.

Councilor Blalock asked if property owners have been notified. All 74 properties have been notified via certified mail.

- **PUBLIC HEARING SPEAKERS**

Mayor McEachern opened the public hearing.

Brad Landon's questions were explained through the presentation.

Councilor Bagley said his neighbors are in favor of the changed boundary.

Councilor Moreau mentioned other areas will be assessed at a later date.

Councilor Cook explained this ordinance brings Middle Street in line with Historic District Rules. It mirrors what had been done on Islington Street.

Councilor Blalock would like to see the historic district celebrate the historic buildings for Portsmouth.

Mayor McEachern closed the public hearing.

Councilor Tabor moved to pass second reading and schedule a third and final reading as presented for the October 26, 2026, City Council meeting. Seconded by Councilor Blalock.

Motion passed unanimously.

Councilor Moreau moved to suspend the rules and bring forth third and final reading. Seconded by Councilor Blalock.

Motion passed unanimously.

Councilor Moreau moved to pass third and final reading as presented. Seconded by Councilor Cook.

Motion passed unanimously.

B. Public Hearing and Second Reading amendments to Chapter 10, Zoning Ordinance, which will remove most parking regulations from the Zoning Ordinance to the Site Plan Review Regulation (except one and two-family dwellings)

- **PRESENTATION**

  Assistant Planning Director, Peter Stith, explained the proposed zoning amendments regarding parking regulations, a history of parking, changes to site plan review regulations, parking flexibility, changes not being made, and implementation.

- **CITY COUNCIL QUESTIONS**

  Councilor Cook asked about the site planning regulations. How does this procedure work? Peter Stith explained that the Planning Board has simplified the process in line with site plan regulations. Councilor Moreau echoed his answer. Councilor Tabor commented on the site review parking standards in the packet. It is much simpler.

  Mayor McEachern asked questions about parking and conditional use permits. Will parking be a part of the site plan and come before the Planning Board with every

application? It changes from a conditional use permit to a site plan review through the Planning Board.
Councilor Bagley feels we should be eliminating parking requirements. He feels we are taking a complicated thing and making it more complicated.
Councilor Moreau explained we are making things less complicated by putting it into site plan review.
Councilor Tabor thinks looking at parking requirements over time and putting it as a part of the site plan to be presented in front of the Planning Board is a step in the right direction.
Councilor Cooks feels this is a step in the right direction in order to approve housing.
Mayor McEachern added how this relates to the City's zoning ordinances. He is in support of these amendments.
Councilor Moreau requested redline site plan regulations in the ordinance in advance of third and final reading.

- **PUBLIC HEARING SPEAKERS**

Tyler Garza, on Zoom, is in support of these changes and the efforts to bring this forward.

Mayor McEachern closed the public hearing.

Councilor Moreau moved to pass second reading and schedule third and final reading as presented for the October 26, 2026, City Council meeting. Seconded by Councilor Bagley.

Motion passed unanimously.

12. City Manager's Items Which Require Action

A. Acceptance of Drainage and Turnaround Easements and Additional Right-of-Way and Approval of McMaster Drive as New Street Name for Property Located at 86 Farm Lane

City Manager Conard explained the background of this request.

Councilor Flynn moved to authorize the City Manager to accept and record the drainage easement, turnaround easement, and conveyance of the additional right-of-way in substantially the same form as the documents contained in the agenda packet and approve McMaster Drive as the name of the new public street. Seconded by Councilor Hopkins.

Motion passed unanimously.

13. Consent Agenda

Consent Action - No items for this meeting

14. Presentations and Written Communications

A. Request from Attorney John Bosen on behalf of property owners at 107 Ledgewood Drive for a Zoning Map Amendment

Assistant Mayor Kelley moved to refer to the Planning Board for recommendation and report back. Seconded by Councilor Cook.

Motion passed unanimously.

B. Agenda Item 13.B taken out of order - Letter from Curtis Hermann from the New Hampshire Sons of the American Revolution, Sue Polidura and Michael J. Geanoulis, Sr., Historians, requesting permission to donate and install a new Paul Revere Marker in Market Square

C. Email Correspondence

Assistant Mayor Kelley moved to accept and place on file. Seconded by Councilor Bagley.

Motion passed unanimously.

15. Mayor McEachern

A. Acceptance of Resignation

- MC (Mary Claire) Rodriguez-Abbot from the Portsmouth Energy Advisory Committee

Councilor Flynn moved to accept with regret the resignation of MC (Mary Claire) Rodriguez-Abbot from the Portsmouth Energy Advisory Committee and send a letter thanking MC for her service to the City. Seconded by Councilor Hopkins.

Motion passed unanimously.

B. Appointments to be Considered

- Zachary (Zach) Dombrowski for full member to the Economic Development Commission
- Matthew Jeffers for alternate member to the Economic Development Commission

C. Appointments to be Voted

- Alanna Lang appointment to the Behavioral Health Task Force
- Meganne Fabrega reappointment to the Library Board of Trustees
- Alice Carey reappointment to the Conservation Commission

Assistant Mayor Kelley moved to appoint as presented. Seconded by Councilor Cook.

Motion passed unanimously.

16. City Council Members

A. Agenda Item 15.A taken out of order - Councilors Cook and Tabor

- Municipal Building Blue Ribbon Committee Recommendation

B. *Councilors Tabor, Blalock, and Moreau

- CIP Citizen Request Subcommittee Report Out

Councilor Moreau gave an overview of the CIP Citizen requests. There are 27 requests this year. Seven they acted on. 14 requests are existing projects. There are five that are better off in another process. There was one request where the committee asked for more information and a report back from the Recreation Board before moving forward. She highlighted a tree project. There is a request for a Banfield Road sidewalk.

Councilor Blalock thanked the citizens for their requests. He highlighted a sidewalk request on Jones Avenue. There was a request for a disc golf course as well as a request

for a hockey ball court.

Councilor Tabor mentioned a bicycle path and fixing the intersection at Dennett Avenue. There was also a request to research a zero-waste plant.

C. Councilor Bagley

- ADU Property Tax Exemption

Councilor Bagley moved to request that Portsmouth's Delegation to the General Court file legislation for the 2027 session authorizing cities and towns to adopt a local option property tax exemption on the added assessed value of newly created accessory dwelling units, for a period of up to 20 years, as outlined below. Seconded by Councilor Moreau.

Councilor Bagley explained why he likes this proposal.

Mayor McEachern discussed how this request relates to the Housing Action Plan. It also has the potential to create more senior housing.

Councilor Cook hopes this is something that can pass at the State level. She feels this should apply to RSA 79-E.

Assistant Mayor Kelley would like to have an understanding from the City Assessors as it relates to tax exemption. There are a limited number of lots that can be converted to accessory dwelling units. She would like the maximum sized ADUs allowed on lots. She would like to have a report back from the Assessing Department.

Councilor Bagley would like to know how many accessory dwelling units have been built since 2017.

Councilor Moreau mentioned the last Housing Committee meeting reviewed the first draft of the proposed changes to RSA 79-E. Feedback was given about changes they would like to see and have should have more information towards the end of this year or the beginning of next year.

Councilor Cook mentioned the deadline for filing.

Motion passed unanimously.

Councilor Bagley moved to request that the City Attorney report to the Council on whether tax relief under RSA 79-E:4-c, as amended in 2026, could apply to newly created accessory dwelling units. Seconded by Councilor Moreau.

Motion passed unanimously.

D. Councilor Hopkins

- Parking & Traffic Safety Committee Action Sheet and Minutes of September 3, 2026

Councilor Hopkins moved to approve annual renewal of Valet License Agreement with LAZ Parking Limited, LLC for Portwalk HI, LLC as presented. Seconded by Councilor Blalock.

Motion passed unanimously.

Councilor Hopkins moved to approve annual renewal of Valet License Agreement with LAZ Parking Limited, LLC for Parade Residence Hotel, LLC as presented. Seconded by Councilor Cook.

Motion passed unanimously.

Councilor Hopkins moved to approve and accept the action sheet and minutes of the September 3, 2026, Parking & Traffic Safety Committee Meeting Seconded by Assistant Mayor Kelley.

Motion passed unanimously.

17. Approval of Grants/Donations

A. Donation to the Senior Activity Center Luncheon Fund - $1000 from Charlotte Dura and Robbin DiPierre

Assistant Mayor Kelley moved to accept with thanks a donation to the Senior Activity Center Luncheon Fund from Charlotte Dura and Robbin DiPierre in the amount as presented in the attached Gift and Donation Submission Form. Seconded by Councilor Blalock.

Motion passed unanimously.

B. Granite United Way Opioid Abatement Responsive Grant Round 4 Award - $13,000

Councilor Moreau moved to accept a $13,000 Round 4 Opioid Abatement Response Grant from Granite United Way and authorize the City Manager to execute the Grant Agreement as presented. Seconded by Councilor Flynn.

Motion passed unanimously.

C. Point of Graves Cemetery Donations

Councilor Cook moved to accept with thanks donations for the Point of Graves Cemetery Wall Replacement from Sharon Fulton, Patricia & Richard Bagley, Dan Corcoran, and Kathryn Lynch, in the amounts as presented in the attached Gift and Donation Submission Forms. Seconded by Councilor Tabor.

Motion passed unanimously.

18. City Manager's Informational Items

A. Amended Resident Access Parking Pilot (RAPP) Program Policy

City Manager Conard noted that a Q1 update on the RAPP program will be presented at the October 26, 2026, City Council Meeting.

19. Miscellaneous Business Including Business Remaining Unfinished At Previous Meeting

Assistant Mayor Kelley mentioned the postponed New England BIPOC Festival, due to the recent Nor'easter, has been rescheduled to October 25, 2026, at Strawberry Banke, from 12:00 p.m. - 4:00 p.m.

20. Adjournment (At 10:30 pm or earlier)

Councilor Moreau moved to adjourn at 9:06 p.m. Seconded by Councilor Blalock.

Motion passed unanimously.

SHOTS NOT HEARD ROUND THE WORLD

By Michael James Geanoulis, Sr.

Listen my children, and be aware,
The sins of King George were everywhere.
He sought to enslave and tax beyond reason,
To seize powder and arms in a snow-driven season.
But the spirit of patriots was all that George wrought.
For it's true, they then knew, a war must be fought.

It mattered not, to Liberty's Sons and Paul Revere,
That problems could rise and prove quite severe.
That ye olde Portsmouth and New Castle's fort,
Were three score miles distant from ye Boston port.
And they but least cared, that travel on horse,
In the snows of December, was risky of course.

Most vital it was, if freedom be got,
New Hampshire be told, about the King's plot.
They should if they could, preempt the King's dash,
And seize for their own, that New Castle stash.

Not long after the arrival of Paul,
With his call for all to rise and stand tall,
Drummers drummed and runners ran,
To spread the news of his honorable plan.

From Kittery and Rye, from Dover and Brentwood,
By the hundreds they came, to help where they could.
They schemed and contrived to befuddle the Master,
Who sought to control those barrels of powder.
To ensure that instead, they'd be able to fight,
The upcoming war they thought proper and right.

So too, they knew, with gunpowder needed,
And knowing King George will likely advance,
To Fort William and Mary, they quickly proceeded.
Their future success they would not leave to chance.

It was freezing and snowing, that day in December,
When three hundred and more, rose as a member.
At first, they began with a subtle demand,
But the fort's captain rejected the plan,
Firing braces of balls as his deadly rejoinder.

At that signal they came, like bees in a swarm,
Some wading ashore in waters not warm,
To face cannon and musket as possible fodder,
But since no one was hurt, 'twas trivial bother.

That all escaped death, seemed like a clue,
Divine intervention came out of the blue.
To be candid and honest and perfectly frank,
Cannons and muskets fired at them point blank.
But the creator of lights was supportive, they said,
When the Crown was unable to paint the ground red.

Return fire came not from the rebels who saw,
Brute force would suffice though substantially raw.
They demanded and failed to get keys to the store,
But access was gained with the leverage they bore.

One hundred barrels of gunpowder they won,
With more arms next day for another ton.
From two days of raids at His Majesty's fort,
Their quest for freedom had much more support.
This initial assault on the much-hated Crown,
Gave birth to America, a place of renown.

And so it is, we're proud to remember,
And ever be glad to repeat this report,
That on two snowy days of '74 December,
The people had taken His Majesty's fort.

Mike Geanoulis

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Rev 4, 02/18/2023

The Council Chambers
City Hall
Portsmouth, New Hampshire

A Proclamation

Whereas: October was declared National Domestic Violence Awareness Month in 1987 because domestic violence is prevalent in every community and affects all people regardless of age, socio-economic status, sexual orientation, gender, race, religion or nationality; and

Whereas: We know that one in every three women and one in every four men are victims of domestic violence in their lifetimes; and that millions of Americans live in daily, silent fear within their own homes; and

Whereas: All domestic violence incidents affect every person within a home with long-lasting negative effects, particularly on children's emotional well-being and their social and academic functioning; and

Whereas: Between 2009 and 2024 there were 234 homicides in the State of New Hampshire of which 128, approximately 55%, were domestic violence related. In 2024, the State had 10 homicides, 9 of which were domestic violence related; and

Whereas: Since 1999, the City of Portsmouth has employed a Victim Witness Advocate, funded through the Violence Against Women Act, who works with the Portsmouth Police Department to support domestic violence victims under RSA 173-B, New Hampshire's Protection of Persons from Domestic Violence statute; and

Whereas: The City's Victim Witness Advocate serves on the State's Domestic Violence Fatality Review Committee, a multi-disciplinary team that reviews domestic violence fatalities in New Hampshire and identifies gaps in system responses, services, and points of intervention — gaps that, if addressed, could improve the State's response to domestic violence; and

Whereas: The City works with HAVEN, one of twelve crisis centers across the State, to provide 24/7 support to victims of sexual assault, domestic violence, sexual harassment and stalking. We remind everyone that confidential, local help is available, 24 hours a day, at the HAVEN Violence Prevention and Support Hotline: 603-994-SAFE; and

Whereas: The City of Portsmouth stands with all New Hampshire prosecutors as sentries on the front lines, advocating on behalf of victims of domestic violence; and

Now, therefore, I, Deaglan McEachern, Mayor of the City of Portsmouth, on behalf of the members of the City Council and citizens of Portsmouth, do hereby proclaim October 2026 in Portsmouth as

Domestic Violence Awareness Month

And call on our citizens to come together to reaffirm our commitment to ending domestic violence and supporting survivors.

Given with my hand and the
Seal of the City of Portsmouth,
on this 26th day of October 2026

Deaglan McEachern, Mayor of Portsmouth

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 3, 2026, at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, 1 Junkins Avenue, Portsmouth, NH, on a Resolution authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act of up to Six Hundred Thousand Dollars ($600,000) for the costs related to the purchase of one fire apparatus. The complete proposed Resolution is available for review in the Office of the Portsmouth City Clerk and Portsmouth Public Library, during regular business hours.

KATELYN A. GRIGGS
PORTSMOUTH, NH DEPUTY CITY CLERK

LEGAL NOTICE
NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 3, 2026, at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, 1 Junkins Avenue, Portsmouth, NH, on a Resolution authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act of up to Six Hundred Thousand Dollars ($600,000) for the costs related to the purchase of one fire apparatus. The complete proposed Resolution is available for review in the Office of the Portsmouth City Clerk and Portsmouth Public Library, during regular business hours.
KATELYN A. GRIGGS
PORTSMOUTH, NH DEPUTY CITY CLERK

CITY OF PORTSMOUTH
TWO THOUSAND TWENTY-SIX
PORTSMOUTH, NEW HAMPSHIRE

RESOLUTION # 15-2026

A Resolution authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act of up to Six Hundred Thousand Dollars ($600,000) for costs related to the purchase of one fire apparatus.

BE IT RESOLVED:

THAT, the sum of up to Six Hundred Thousand Dollars ($600,000) is appropriated for the acquisition of one fire apparatus including the payment of costs incidental or related thereto;

THAT, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to Six Hundred Thousand Dollars ($600,000) through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

THAT, the discretion of fixing the dates, maturities, rates of interest, forms and other details of such bonds is hereby delegated to the City Treasurer with the approval of the City Manager;

THAT, the expected useful life of the fire apparatus is determined to be at least ten (10) years; and

THAT, this Resolution shall take effect upon its passage.

APPROVED BY:

_____
DEAGLAN MCEACHERN, MAYOR

ADOPTED BY THE CITY COUNCIL:

_____
SALLY A. KELLAR, CMC/CNHMC
CITY CLERK

VE-25-FD-02: Vehicle Replacement – Marine #1

Department(s)	Fire Department
Project Location	Citywide
Project Justification	Capital maintenance/rolling stock
Project Website	N/A
Planning Documents/Studies	N/A

Evaluation Criteria & Prioritization		
Priority: A (needed within 0 to 3 years)		
CORE FUNCTION	Responds to Federal or State Requirement	
	Addresses a Public Health or Safety Need	Y
	Alleviates Substandard Conditions or Deficiencies	Y
FINANCIAL BENEFIT	Eligible for Matching Funds with Limited Availability	
	Timing or Location Coordinate with Synergistic Project	
	Reduces Long-Term Operating Costs	Y
COMMUNITY PLAN OR IMPROVEMENT	Identified in Planning Document or Study	
	Improves Quality of or Provides Added Capacity to Existing Services	
	Provides Incentive for Economic Development	
	Responds to a Citywide Goal or Submitted Resident Request	

Project Description: This project is the replacement of Marine #1. The Coast Guard is looking at its staffing challenges and subsequently lifesaving missions and may require more assistance from local partners. This project would increase the safety of the operating platform for crews on the water. The Fire Department is working regionally to address potential coverage issues in the marine environment, and this project will address any shortfalls. Funding for FY27 has changed from $250,000 to $900,000 due to the change of style of desired boat to one with a safer, enclosed platform.

Impact on the Operating Budget	**Negligible (<$5,001)**
Personnel	N/A
Non-Personnel Line-Items	N/A

Notes of Changes in Funding Plan from FY26-31 CIP:

Project Funding		FY27	FY28	FY29	FY30	FY31	FY32	Totals 27-32
Capital Outlay (GF)	0%							$0
Federal/State	0%							$0
Bond/Lease	100%	$900,000						$900,000
Other	0%							$0
Revenues	0%							$0

Policies Compliance	
Percent for Art	
Cultural Plan	
Community Health Plan	
Complete Streets	

PPP	0%							$0
	Totals	$900,000	$0	$0	$0	$0	$0	$900,000

Climate Action Plan

Green Building Policy

CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
kconard@portsmouthnh.gov
(603) 610-7201

Karen S. Conard
City Manager

Date: October 22, 2026

To: Honorable Mayor McEachern and City Council Members

From: Karen S. Conard, City Manager

Re: City Manager's Comments on City Council Agenda of October 26, 2026

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10. Public Hearings and Vote on Ordinances and/or Resolutions:

A. **Third and Final Reading to Amend Chapter 10, Zoning Ordinance, which will remove most parking regulations from the Zoning Ordinance to the Site Plan Review Regulations (except one and two-family dwellings):**

The Planning Board, at its meeting of August 20, 2026, voted to recommend that the City Council hold first reading on amendments to the Portsmouth Zoning Ordinance related to off-street parking. The proposed amendments remove most parking regulations from the Zoning Ordinance because they are more appropriately administered through Site Plan Review Regulations. The Zoning Ordinance will still include parking requirements for one and two-family dwellings but all other references to parking regulations will be in Site Plan Review Regulations rather than in the Zoning Ordinance. These amendments are being proposed in order to simplify the Zoning Ordinance and to create a clearer separation between zoning standards and site plan review requirements.

The Planning Board is concurrently considering amendments to the Site Plan Review Regulations that would incorporate those parking standards being removed from the Zoning Ordinance. The goal of these amendments is to help simplify and modernize the City's parking regulations to streamline parking classifications, consolidate parking flexibility provisions, and provide greater administrative flexibility in applying parking requirements.

The Planning Board approved the proposed changes to the Site Plan Review Regulations on September 17, 2026. The changes will take effect when the City Council adopts the related zoning amendments.

I recommend that the City Council move to pass third and final reading as presented.

B. **Public Hearing and Adoption of Resolution #15-2026 Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act of up to Six Hundred Thousand Dollars ($600,000) for Costs Related to the Purchase of One Fire Apparatus:**

The enclosed Resolution was considered at the August 3, 2026, City Council meeting as a Public Hearing with a presentation. City Council action was tabled pending the outcome of the City's application to the FEMA Port Security Grant Program.

I recommend that the City Council move to adopt Resolution #15-2026 as presented.

11. City Manager's Items Which Require Action:

A. **Request for Solid Waste Ordinance Work Session:**

Department of Public Works and Legal Department staff have been reviewing the City's ordinance related to the collection of solid waste, yard waste, and recycling in preparation for the Department of Public Work's transition to the collection of solid waste via an automated side loader (one-armed bandit colloquially). During that review, it became clear that various elements of the existing ordinance should be revisited. The ordinance should not only be updated to better align with the use of wheeled trash or recycling bins (also referred to as toters) and this new collection method, but also adjusted to address existing implementation challenges within the downtown collection area which include:

- The high degree of contamination in recyclables;
- The excessive volume of trash and recyclables placed out for pickup;
- Expectations of commercial collection outside the downtown collection area;

Staff request a work session with the City Council to better inform an ordinance update.

By way of background, most commercial entities in the City are required to manage their own disposal of solid waste and recyclables. An exception is made for certain streets identified in Chapter 3, Article II, Section 3.202 as follows:

Congress Street from Middle Street to Market Square	High Street from Congress Street to Ladd Street
Ladd Street from High Street to Market Street	Market Street from Market Square to Deer Street
Daniel Street from State Street to Market Square	State Street from Daniel Street to Middle Street
Pleasant Street from Court Street to Market Square	Chapel Street from Bow Street to State Street
Porter Street from Middle Street to Pleasant Street	Sheafe Street from Chapel Street to Penhallow Street
Bow Street from Daniel Street to Market Street	Penhallow Street from State Street to Bow Street
Hanover Street from Market Street to Maplewood Avenue	High Street from Hanover Street to Deer Street
Fleet Street from Hanover Street to State Street	

The limited, defined area, called the Downtown Business District in Chapter 3, Article II, is not identical with the Zoning Ordinance's Downtown Overlay District. Staff identified commercial entities that are receiving municipal pickup outside of the ordinance defined Downtown Business District.

Staff further identified compliance issues within the Downtown Business District relative to volume of waste and recyclables. The Solid Waste Ordinance limits weekly pick-up for commercial properties in the Downtown Business District to no more than 300 US gallons of solid waste (Chapter 3, Article II, Section 3.203 (B) (1)). Waste placed curbside for pick-up must be kept in covered, sanitary containers not exceeding a volume of 100 US gallons. Recyclables placed out for collection have additional requirements and often the recyclables placed for collection by the businesses are too contaminated to be recycled (Chapter 3, Article II, Section 3.203(C)). The excessive volume of trash recyclables in the Downtown Business District is occasionally impeding pedestrian passage on the sidewalk, creating a health hazard and creating unsightliness.

I recommend that the City Council move to schedule a Solid Waste Ordinance Work Session on December 7, 2026, at 6:00 p.m. to allow staff to provide additional details on solid waste collection challenges and receive City Council and public input.

B. **Request for First Reading on Sewer Ordinance:**

Enclosed is a proposed comprehensive update to the City's Sewer Use Ordinance (SUO). Staff requests that this ordinance update be brought forward for first reading on November 17, 2026. This ordinance update is required by the City's federally issued Wastewater Discharge Permits for the Peirce Island and Pease Wastewater Treatment Facilities and includes federally required language to regulate industrial dischargers.

By way of background, the City of Portsmouth Sewer Division has long regulated industrial users through local ordinance following guidance issued by the NH Department of Environmental Services (NH DES) and the US Environmental Protection Agency (EPA). In 2023, the EPA issued final National Pollutant Discharge Elimination System (NPDES) Permits for the City's two Wastewater Treatment Facilities. The Permits require the City to transition from its local program to federally approved Industrial Pretreatment Programs (IPP) for each Facility.

The City submitted draft IPP program documents to EPA and NH DES in September 2024 for Pease and May 2025 for Peirce Island. Both agencies reviewed the documents, which were updated and resubmitted with all reviewers' comments addressed. EPA provided public notice of the IPP program documents and received no public comments. With the agencies' review and approval phase now complete, the City must take the next steps to update our ordinance.

A significant portion of the IPP is a comprehensive update to the SUO. The SUO was developed based on EPA guidance and templates to codify dischargers' requirements and establish the City's legal authority to administer all IPP program components.

City staff have been communicating and coordinating with the City's currently permitted industrial dischargers, reviewing their existing Permit requirements, and highlighting what will be different in their next Permits. Approximately 90–120 days after adoption of the SUO, staff anticipates issuing the new generation of Permits, as well as revised Permits for insignificant dischargers by volume of high-strength wastewater, namely the City's three microbreweries.

Legal and Public Works Department staff will provide a detailed presentation at a future public hearing and second reading.

I recommend that the City Council move to schedule first reading on November 16, 2026, regarding an amendment to the Sewer Use Ordinance which will delete in its entirety the existing ordinance in Chapter 11, Article II, and replace it with a new ordinance in Chapter 16, Utilities, Article III, Sewers.

C. **Friends of Lafayette House PILOT Agreement for FY2027:**

Enclosed please find the request from Friends of Lafayette House to enter into a Payment in Lieu of Taxes (PILOT) Agreement with the City in the amount of $3,500 for FY 2027. The form of the Agreement has been approved by the City Attorney.

I recommend that the City Council move to authorize the City Manager to enter into a PILOT Agreement with Friends of Lafayette House in the amount of $3,500 for FY2027.

D. **Betty's Dream Foundation PILOT Agreement for FY2027:**

Enclosed please find the request from Portsmouth Housing Authority, Management Agent for Betty's Dream Foundation to enter into a Payment in Lieu of Taxes (PILOT) Agreement with the City in the amount of $3,000 for FY 2027. The form of the Agreement has been approved by the City Attorney.

I recommend that the City Council move to authorize the City Manager to enter into a PILOT Agreement with Betty's Dream Foundation in the amount of $3,000 for FY2027.

E. **Planning Board Recommendation Regarding Licenses and a Sidewalk Easement for 361 Hanover Street:**

Enclosed please find a memorandum from Assistant Planning Director Peter Stith regarding the Planning Board's October 15, 2026, vote regarding 361 Hanover Street and a corresponding exhibit.

I recommend that the City Council move to authorize the City Manager to accept and record a Sidewalk Easement, a Landscape License, and a Pole License from 361 Hanover Steam Factory, LLC for 361 Hanover Street in a form acceptable to the City Attorney, subject to the recommendations in the enclosed memorandum from Assistant Planning Director Stith.

F. **Memorandum of Agreement – Portsmouth Professional Fire Officers Association, Local #4039:**

Enclosed for your consideration is a Memorandum of Agreement (MOA) between the City and the Portsmouth Professional Fire Officers Association, Local #4039, allowing for a temporary amendment to the current Collective Bargaining Agreement.

Key provisions of the MOA include:

- Correcting the pay of one internal Officer who was recently promoted;
- Allowing this Officer to progress through the subsequent pay steps; and
- Providing a one-time remedy to the current pay inequity that occurs when promoting a Firefighter to Fire Officer.

I recommend that the City Council move to approve the Memorandum of Agreement with the Portsmouth Professional Fire Officers Association, Local #4039 as presented.

G. **Planning Board Recommendation on Cornwall Street:**

Enclosed please find a memorandum from Assistant Planning Director Peter Stith regarding the Planning Board's October 15, 2026, vote regarding a portion of Cornwall Street. As noted in the memorandum, the Planning Board voted unanimously to recommend that the City Council approve the discontinuance of the identified portion of Cornwall Street, subject to the recording of a municipal utility easement over the existing sewer line and requesting a voluntary lot merger to align the parcel boundaries with the configuration shown on the City's tax map.

I recommend that the City Council move to schedule a public hearing on the discontinuance of the identified portion of Cornwall Street at the November 16, 2026, City Council Meeting.

H. **Planning Board Recommendation on Taft Road:**

Enclosed please find a memorandum from Assistant Planning Director Peter Stith regarding the Planning Board's October 15th vote regarding the request to discontinuance of a portion of Taft Road. As noted in the memorandum, the Planning Board voted unanimously to recommend that the City Council approve the discontinuance of the identified portion of Taft Road, subject to the recording of a municipal utility easement over the existing water line.

I recommend that the City Council move to approve the discontinuance of the identified portion of Taft Road, subject to the recording of a Municipal Utility Easement over the existing water line in a form acceptable to the City Attorney.

I. **Planning Board Recommendation on 0 Elm Street:**

Enclosed please find a memorandum from Assistant Planning Director Peter Stith regarding the Planning Board's October 15, 2026, vote regarding property located at 0 Elm Street.

The City Council has two options this evening:

- *move to authorize issuance of a Building Permit for 0 Elm Street contingent on the applicant obtaining all other required variances, approvals, and permits, and on construction of a driveway adequate for emergency vehicle access as approved by the Department of Public Works and the Fire Department; this authorization confers no private right of access over Forrest Street or any other private property*; **or**
- *move to deny the request on the ground that the lot has no frontage and does not abut any constructed private road or other street.*

J. **Sidewalk Easement for Property Located at 48-50 Langdon Street:**

At its regularly scheduled meeting on November 20, 2025, the Planning Board granted Site Plan Review and Subdivision approval for property located at 48-50 Langdon Street for the approval of a subdivision into two lots with a single-family dwelling and accessory dwelling units proposed on each lot with associated site improvements. As a part of the Site Plan approval, the Planning Board recommended that the City Council accept a Sidewalk Easement over a narrow strip at the front of the parcel, as shown on the depiction included in the City Council packet.

The Legal, Planning & Sustainability and Public Works Departments all recommend acceptance of this Easement.

I recommend that the City Council move to authorize the City Manager to accept and record a Sidewalk Easement Deed from Martin Husslage.

16. Approval of Grants/Donations:

A. **Point of Graves Cemetery Donations:**

Enclosed please find donation forms from an anonymous resident, Charles & Barbara Bickford, and Michael Pennington summarizing donations to the Point of Graves Cemetery Wall Replacement Project.

I recommend that the City Council move to accept with thanks donations for the Point of Graves Cemetery Wall Replacement from an anonymous resident, Charles & Barbara Bickford, and Michael Pennington, in the amounts as presented in the attached Gift and Donation Submission Forms.

B. **FY26 Byrne Discretionary Community Projects Grant in the Amount of $1,000,000 from the Office of Justice Programs to Fund NH Internet Crimes Against Children Task Force's COPS and Enhanced Capacity Program:**

At the October 20, 2026, Police Commission meeting, the Board of Police Commissioners voted to approve and accept the FY26 Byrne Discretionary Community Projects Grant in the amount of $1,000,000 from the Office of Justice Programs to fund the NH Internet Crimes

Against Children Task Force's COPS and Enhanced Capacity Program. This grant is aimed at strengthening affiliate agencies' investigative and forensic capabilities.

I recommend that the City Council move to accept the FY26 Byrne Discretionary Community Projects Grant in the amount of $1,000,000 and its terms and conditions from the Office of Justice Programs to fund NH Internet Crimes Against Children Task Force's COPS and Enhanced Capacity Program.

C. **FY26 COPS Technology and Equipment Program Grant in the Amount of $1,031,000, from the Office of Community Oriented Policing Service for the Portsmouth Police Department:**

At the October 20, 2026, Police Commission meeting, the Board of Police Commissioners voted to approve and accept the FY26 COPS Technology and Equipment Program Grant in the amount of $1,031,000 from the Office of Community Oriented Policing Service for the Portsmouth Police Department. This Grant will be utilized for the acquisition of advanced law enforcement equipment, technologies, and interoperable communications that prevent crime and expand community policing.

I recommend that the City Council move to accept the FY26 COPS Technology and Equipment Program Grant in the amount of $1,031,000 and its terms and conditions from the Office of Community Oriented Policing Service for the Portsmouth Police Department.

17. City Manager's Informational Items:

A. **Annual Food and Liquor Permit Renewals:**

Enclosed in your packet this evening is a memorandum from the City's Health Department regarding their annual food and liquor permit data.

B. **Pease Development Authority Board Meeting Update:**

I will provide a verbal update on the October 20, 2026, Pease Development Authority Board meeting.

C. **Resident Access Parking Program (RAPP) Q1 Report Back:**

Enclosed please find a presentation on RAPP Q1 results and recommendations.

D. **Off-Peak/Workweek Parking for Downtown Businesses Report Back:**

There will be a presentation on off-peak/workweek parking options for businesses at this evening's meeting.

E. **General Fund Revenues Update:**

Deputy City Manager – Finance and Administration Nathan Lunney will provide a brief update on General Fund revenues.

F. **Offsite Water and Sewer Improvements - Borthwick Avenue and Sherburne Property:**

At the presentation by the Portsmouth Housing Authority (PHA) to the City Council at its regular meeting on September 28, 2026, regarding the status of their housing redevelopment project at the former Sherburne School property, one of the issues raised during that discussion was sewer infrastructure needs along Borthwick Avenue.

City staff have identified a need to upgrade this sewer line, separate from the housing project. As part of the US Environmental Protection Agency's per- and polyfluoroalkyl substances – (PFAS) requirements, the City is commencing design of a new treatment facility at the drinking water well site off Griffin Road. This new treatment system will require additional sewer capacity for sections of sewer mains including the section of Borthwick Avenue. City staff recognize that upgrading the section of sewer along Borthwick Avenue will also provide additional benefit by providing additional sewer capacity to support commercial and housing development. In addition, the existing sewer main is in an undesirable configuration outside of the roadway, causing issues with access and maintenance in occupied parking lots. The City intends to pay for this utility work with existing capital monies from the Water and Sewer Enterprise Funds.

G. **Mechanic Street Pump Station 2nd Public Meeting – November 9, 2026, in Council Chambers at 6:30 pm:**

Public Works staff will host a second Mechanic Street Pump Station Public Meeting to answer questions raised at the first meeting and to provide additional information on November 9th at 6:30 p.m. in City Council Chambers.

ORDINANCE # _____

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 11, Article II, SEWERS be deleted in its entirety and replaced with a new Chapter 16, Article III, SEWERS to be adopted in its entirety as set forth below:

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ARTICLE III: SEWERS

DIVISION 1—GENERAL PROVISIONS

Section 16.301: PURPOSE AND POLICY

This Ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) of the City of Portsmouth and enables the City to comply with applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq*.), and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this Ordinance are:

A. To promote, consistent with the policy of the Federal government:

   i. The prevention or reduction of pollutants at the source whenever feasible;
   ii. Recycling in an environmentally safe manner when the creation of pollutants cannot be prevented; and
   iii. Treatment and disposal in an environmentally safe manner of pollution that cannot be prevented or recycled.

B. To prevent the introduction of pollutants into the POTW that will interfere with its operation;

C. To prevent the introduction of pollutants into the POTW that will Pass Through the POTW inadequately treated into receiving waters or otherwise be incompatible with the operation of the POTW;

D. To protect both POTW personnel who may be affected by wastewater and biosolids in the course of their employment and the general public;

E. To promote reuse of biosolids from the WWTFs;

F. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and

G. To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, Federal Industrial Pretreatment Program requirements, biosolids use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

Section 16.302: ADMINISTRATION

Except as otherwise provided herein, the Director of Public Works (Director) shall have the authority to administer, implement, and enforce the provisions of this Ordinance. This shall include without limitation the authority to develop such forms, technical standards, Local Limits, Best Management Practices, rules, policies, and operational requirements as may be required to

implement the provisions of this Ordinance. This shall further include without limitation the power to recommend the adoption of fees, to issue and enter into Administrative Orders, to issue fines and penalties and to require actions to implement the purposes of this Ordinance. Any powers granted to, or duties imposed upon the Director, may be delegated by the Director to other designated persons.

Section 16.303: ABBREVIATIONS

The following abbreviations, when used in this Ordinance, shall have the following designated meanings:

BOD - Biochemical Oxygen Demand
BMP - Best Management Practice
BMR - Baseline Monitoring Report
CFR - Code of Federal Regulations
CIU - Categorical Industrial User
COD - Chemical Oxygen Demand
EPA - United States Environmental Protection Agency
FOG – Fats, Oils, and Grease
FSE – Food Service Establishment
gpd - Gallons per day
IDP - Industrial Discharge Permit
mg/L - Milligrams per liter
NHDES - New Hampshire Department of Environmental Services
NPDES - National Pollutant Discharge Elimination System
NSCIU - Non-significant Categorical Industrial User
POTW - Publicly Owned Treatment Works
RSA - New Hampshire Revised Statute Annotated
SIU - Significant Industrial User
SNC - Significant Noncompliance
TSS - Total Suspended Solids
WWTF - Wastewater Treatment Facility
°F, °C - degrees Fahrenheit, degrees Celsius

Section 16.304: DEFINITIONS

A. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

1. "*Authorized Representative of the Connector*" shall mean:
    a. If the Connector is a corporation:
        i. The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

ii. The manager of one (1) or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. If the Connector is a partnership or sole proprietorship: a general partner or proprietor, respectively.

c. If the Connector is a Federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.

d. The individuals described in paragraphs (a) through (c), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

2. "*Best Management Practices*" or "*BMPs*" shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 16.311 of this Ordinance [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established s and effluent limits.

3. "*Biochemical Oxygen Demand*" or "*BOD*" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).

4. "*Building Drain*" shall mean that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the Building Sewer, beginning five (5) feet outside the inner face of the building wall. For the purposes of this Ordinance the term "Building Drain" shall be synonymous with the terms "House Drain" and "House Sewer" as defined in the Plumbing Code.

5. "*Building Sewer*" shall mean the extension from the Building Drain to the public sewer or other place of disposal, also called house connection. For the purposes of this Ordinance the term "Building Sewer" shall be synonymous with the terms "House Drain" and "House Sewer" as defined in the Plumbing Code.

6. "*Capacity Improvements Multiplier*" shall mean the multiplier used as part of the Capacity Use Surcharge formula to generate funds to be used for capital improvements necessary to serve future users. The Capacity Improvements Multiplier shall be established as part of the rate setting process.

7. "*Capacity Use Surcharge"* shall mean a one-time fee assessed by the POTW at the time of the connection. The Capacity Use Surcharge shall be calculated as follows: (projected average daily flow/equivalent dwelling unit) multiplied by the Capacity Improvements Multiplier. The equivalent dwelling unit shall be set as part of the rate setting process.

8. "*Categorical Industrial User*" shall mean an Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard;

9. "*Categorical Pretreatment Standard*" or "*Categorical Standard*" shall mean any regulation containing pollutant discharge limitations promulgated by EPA in accordance with sections 307(b) and (c) of the Clean Water Act (33 U.S.C. § 1317) that apply to a specific category of users and that appear in 40 CFR chapter I, subchapter N, parts 405—471.

10. "*Chemical Oxygen Demand*" or "*COD*" shall mean a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

11. "*City*" shall mean the City of Portsmouth, New Hampshire which is the control authority as that term is defined and used within the Clean Water Act and its implementing regulations.

12. "*Combined Sewer*" shall mean a sewer intended to receive both wastewater and storm or surface water.

13. "*Connector*" shall mean all persons proposing to connect or connected to the POTW, inclusive of all residential, commercial and industrial dischargers.

14. "*Daily Maximum*" shall mean the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

15. "*Daily Maximum Limit*" shall mean the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant

concentration derived from all measurements taken that day.

16. "*Department*" shall mean the Department of Public Works, including the Director or duly authorized representatives.

17. "*Director*" or "*Director of Public Works*" shall mean the person designated by the City to be responsible for the overall operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance, or duly authorized representatives.

18. "*Domestic Wastewater*" or "*Sewage*" shall mean household and toilet wastes or waste from sanitary conveniences of residences, commercial buildings, and industrial plants, excluding ground, surface, or Stormwater. (See also: Industrial Wastes.) Domestic Wastewater shall contain not more than 250 mg/L BOD and not more than 250 mg/L TSS.

19. "*Drain Layer*" shall mean a person licensed by the Department of Public Works as a layer of drains and other pipes connected to the POTW.

20. "*Environmental Protection Agency*" or "*EPA*" shall mean the United States Environmental Protection Agency or, where appropriate, the EPA Regional Water Management Division Director, or other duly authorized official of the agency.

21. "*Existing Source*" shall mean any source of discharge that is not a New Source.

22. "*Garbage*" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

23. "*Grab Sample*" shall mean a sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

24. "*Grease*" shall mean the material removed from a Grease interceptor (trap) serving a restaurant or other facility requiring such Grease interceptors. Grease also shall mean volatile and non-volatile residual fats, fatty acids, soaps, waxes and other similar materials.

25. "*Hauler*" shall mean those persons, firms, or corporations, who pump, haul, transport, or dispose of Septage and who are licensed and regulated by the New Hampshire Department of Environmental Services pursuant to RSA 485-A.

26. "*House Drain*" shall mean that part of the lowest horizontal piping of drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to the Building Sewer, beginning 8 feet outside the outer face of the building wall. For the purposes of this Ordinance

the term "House Drain" shall be synonymous with the term "Building Drain" as defined in Section 15.101 of the Plumbing Code.

27. "*House Sewer*" shall mean the extension from the Building Drain to the public sewer or other place of disposal including that portion of the line on public property. For the purposes of this Ordinance the term "House Sewer" shall be synonymous with the term "Building Sewer" as defined in the Plumbing Code.

28. "*Human Excrement*" shall mean the liquid or solid matter discharged from the intestinal canal of a human, or other liquid or solid waste materials that are likely to undergo bacterial decomposition; provided, however, that these terms shall not include "refuse" as defined in RSA 145-M.

29. "*Industrial Discharge Permit*" or "*IDP*" shall mean the written permit between the City and an Industrial User that outlines the conditions under which discharge to the POTW will be accepted.

30. "*Industrial User*" or "*User*" shall mean any Connector that introduces a Non-Domestic Wastewater into the POTW.

31. "*Industrial Wastes*" or "*Non-Domestic Wastewater*" shall mean the wastewater and waterborne wastes from any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacturing trade or business or from development of any natural resources as distinct from Domestic Wastewater, Sewage or Unpolluted water.

32. "*Industrial Pretreatment Program*" shall mean the EPA approved pretreatment program.

33. "*Injunction*" shall mean an order to a party to affirmatively perform, or to refrain from performing, some designated action. Such orders may be issued by a court with jurisdiction over the matter or a federal, state or local authority when authorized to do so.

34. *"Injunctive Relief"* shall mean, generally, the action ordered by a court or other authorized authority.

35. "*Instantaneous Limit*" shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

36. "*Interference*" shall mean an indirect discharge that, alone or in conjunction with indirect discharge(s) from other sources:
    (1) Inhibits or disrupts the POTW's treatment processes or operations, or its processing, use, or disposal of sludge in compliance with applicable statutes

and rules;

(2) Is a cause of a violation of any requirements of the POTW's federal or state discharge permit; or

(3) Prevents sewage sludge use or disposal in compliance with the following statutory provisions and rules or permits issued thereunder:

a. Env-Sw 100 et seq. relative to solid waste management;

b. Env-A 100 et seq. relative to air pollution control;

c. The General Pretreatment Regulations For Existing and New Sources of Pollution, 40 CFR 403;

d The Federal Toxic Substances Control Act, 15 U.S.C. ch. 53;

e. The Federal Marine Protection, Research and Sanctuaries Act, 33 U.S.C. §1401-1445 and 16 U.S.C. §§ 1431-1445; and

f. Env-Wq 800 and 40 CFR Part 503 relative to use or disposal of sewage sludge.

37. "*Local Limit*" shall mean specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

38. "*Medical/Infectious Waste*" shall mean any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals.

39. "*National Pollutant Discharge Elimination System permit*" or "*NPDES permit*" shall mean a permit issued pursuant to section 402 of the Clean Water Act (33 U.S.C. 1342).

40. "*Natural Outlet*" shall mean any outlet, including Storm Sewers and Combined Sewer overflows, into a Watercourse, pond, ditch, lake, or other body or surface water or groundwater.

41. "*New Source*" shall mean:

a. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced subsequent to the publication of proposed Pretreatment Standards under section 307(c) of the Clean Water Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

i. The building, structure, facility, or installation is constructed at a site at which no other source is located;

ii. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

iii. The production or wastewater-generating processes of the building, structure, facility, or installation are substantially independent of an

Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, will be considered.

b. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

i. Begun, or caused to begin, as part of a continuous on-site construction program:

c. Any placement, assembly, or installation of facilities or equipment; or significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or

i. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

d. Construction on a site at which an Existing Source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraphs (a)(ii) or (a)(iii) above but otherwise alters, replaces, or adds to existing process or production equipment.

42. "*Noncontact Cooling Water*" shall mean water used for cooling that does not directly contact any raw material, intermediate product, waste product, or finished product.

43. "*Pass Through*" shall mean a discharge that exits the WWTF into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

44. "*Person*" shall mean any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

45. "*Per- and Polyfluoroalkyl Substances" or "PFAS"* shall mean a group of man-made fluorinated compounds, many of which are hydrophobic and lipophobic, manufactured and used in a variety of industries globally.

46. "*pH*" shall mean a logarithmic measure devised to express the hydrogen ion concentration of a solution, expressed in standard units. Solutions with pH values greater than seven (7) are basic (or alkaline); solutions with pH values less than seven (7) are acidic.

47. "*Pharmaceutical Waste*" shall mean a prescription drug or nonprescription or proprietary medicine that is no longer suitable for its intended purpose or is otherwise being discarded.

48. "*Plumbing Inspector*" shall mean the person employed by the City to inspect plumbing or the authorized deputy, agent or representative of the Plumbing Inspector.

49. "*Pollutant*" shall mean dredged spoil, solid waste, incinerator residue, filter backwash, Sewage, garbage, Sewage sludge, munitions, Medical/Infectious Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and Industrial Wastes, and characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

50. "*Pollution Prevention*" shall mean the use of materials, processes, or practices that reduce or eliminate the creation of pollutants or wastes at the source, or minimize their release to the environment prior to recycling, treatment or disposal. It includes practices that reduce the use of hazardous materials, energy, water or other resources. It also includes practices that protect natural resources and human health through conservation, more efficient use, or effective release minimization.

51. "*Pretreatment*" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

52. "*Pretreatment Requirements*" shall mean any substantive or procedural requirement related to Pretreatment imposed on a Connector, other than a Pretreatment Standard.

53. "*Pretreatment Standards*" shall mean Pretreatment Standards, Prohibited Discharge Standards, Categorical Pretreatment Standards, and Local Limits.

54. "*Prohibited Discharge Standards*" or "*Prohibited Discharges*" shall mean absolute prohibitions against the discharge of certain substances as identified in this Ordinance.

55. "*Publicly Owned Treatment Works"* or "*POTW"* means the City of Portsmouth wastewater treatment facilities whether owned or operated by the City of Portsmouth and all components of its collection system including all pipes, pump stations, and other equipment and structures. It also refers to the municipality in its function as a utility to manage the POTW. These meanings are coextensive with the definitions found in the Clean Water Act and Code of Federal Regulations at 40 CFR 501:2 et seq. for "treatment works," "publicly owned treatment works" and "municipality."

56. "*Radiological Waste*" shall mean radioactive waste as regulated by the State of New Hampshire RSA 125-F rules.

57. "*Sanitary Sewer*" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial facilities, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

58. "*Septage*" or "*Septic Tank Waste*" shall mean any liquid, solid, or sludge pumped from chemical toilets, vaults, septic tanks, or cesspools or other holding tanks, that have received only Domestic Wastewater.

59. "*Sewage*" shall mean Human Excrement and gray water (household showers, dishwashing operations, sink drains and similar uses).

60. "*Sewer*" shall mean a pipe or conduit that carries wastewater or Stormwater, groundwater, subsurface water, or Unpolluted water from any source.

61. "*Significant Industrial User*" shall mean:
    a. Except as provided in paragraphs (b) and (c) of this section, the term significant Industrial User shall mean:
        i. All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and
        ii. Any other Industrial User that: discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the WWTF (excluding sanitary, Noncontact Cooling Water and boiler blowdown wastewater); contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the WWTF; or is designated as such by the City on the basis that the Industrial User has a reasonable potential for adversely affecting the WWTF's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6).
    b. The City in conjunction with EPA may determine that an Industrial User subject to Categorical Pretreatment Standards under §403.6 and 40 CFR

chapter I, subchapter N is a non-significant Categorical Industrial User rather than a significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total Categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

i. The Industrial User, prior to the EPA/City finding, has consistently complied with all applicable Categorical Pretreatment Standards and requirements;

ii. The Industrial User annually submits the certification statement required in §403.12(q) together with any additional information necessary to support the certification statement; and

iii. The Industrial User never discharges any untreated concentrated wastewater.

c. Upon a finding that an Industrial User meeting the criteria in paragraph (l)(ii) of this section has no reasonable potential for adversely affecting the WWTF's operation or for violating any Pretreatment Standards or requirement, EPA and/or the City may at any time, on their own initiative or in response to a petition received from an Industrial User or WWTF, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a significant Industrial User.

62. "*Significant Noncompliance*" or "*SNC*" shall mean an Industrial User is in Significant Noncompliance if its violation meets one (1) or more of the following criteria:

a. *Chronic violations.* A pattern of violating the same Pretreatment Standard Daily Maximum or average limit (any magnitude of exceedance) sixty-six (66) percent or more of the time in a six-month period, including Instantaneous Limits;

b. *Technical review criteria (TRC violations).* Thirty-three (33) percent or more of the measurements exceed the same Pretreatment Standard Daily Maximum Limit or average limit by more than the TRC factor in a six-month period, including Instantaneous Limits. The TRC factor is 1.4 for Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), oil and Grease, and 1.2 for all other pollutants except pH;

c. For pH monitoring, excursions shall be considered SNC when:

i. The total time during which the pH values are outside the required range of pH values exceeds seven (7) hours and twenty-six (26) minutes in any calendar month;

ii. An individual excursion from the range of pH values exceeds sixty (60) minutes;

iii. An excursion occurs that the City believes has caused, alone or in combination with other discharges, Interference or pass-through; or

has endangered the health of POTW personnel or the general public; or

d. Any other discharge violation of a Pretreatment Standard or requirement including Daily Maximum, long-term average, Instantaneous Limit or narrative standard that the City believes has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

e. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;

f. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

g. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, Industrial Discharge Permit applications, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

h. Failure to accurately report noncompliance; or

i. Any other violation(s) which may include a violation of Best Management Practices that the City determines will adversely affect the operation or implementation of the local pretreatment program.

63. "*Slug*" shall mean any discharge of water, Sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24 hour concentration or flows during normal operation.

64. "Slug Discharge" shall mean any discharge at a flow rate or concentration, which could cause a violation of the Prohibited Discharge Standards in this Ordinance. A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through or in any other way violate the WWTF's regulations, Local Limits or NPDES permit conditions.

65. "*Source Reduction*" shall mean any practice that:

a. Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and

b. Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.

The term includes equipment or technology modifications; process or procedure modifications; reformulation or redesign of products; substitution of raw materials; and improvements in housekeeping, maintenance, training, or inventory control. The term "Source Reduction" does not include any practice that alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity that itself is not integral to and necessary for the production of a product or the providing of a service.

66. "*State*" shall mean the State of New Hampshire.

67. "*Storm Drain*" or "*Storm Sewer*" shall mean a drain or sewer for conveying Stormwater, groundwater, subsurface water, or Unpolluted water from any source.

68. "*Stormwater*" shall mean any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt.

69. "*Total Suspended Solids*" or "*TSS*" shall mean a measure of the suspended matter present in wastewater, effluent, or water bodies, as determined by an approved test method. Also called Nonfilterable Residue.

70. "*Unpolluted*" shall mean water of quality equal to or better than the water quality standards established by NHDES or water that would not cause a violation of receiving water quality standards and would not be benefitted by discharge to the WWTF.

71. "*Wastewater*" shall mean liquid and water-carried Industrial Wastes and/or Sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

72. "*Wastewater Treatment Facility*" or "*WWTF*" shall mean that portion of the POTW which is designed to provide treatment of municipal Sewage and industrial waste. WWTF is synonymous with "treatment works," as defined by section 212 of the Clean Water Act (33 U.S.C. § 1292). This definition includes any devices or systems used in the treatment, recycling, and reclamation of Sewage or Industrial Wastes of a liquid nature. The term also shall mean the municipality that has jurisdiction over discharges to and from a WWTF, and any sewer that conveys wastewater to a WWTF from any person outside the City who are, by contract or agreement with the City, users of the POTW.

73. "*Watercourse*" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

Section 16.305 – 16.310: RESERVED

DIVISION 2—GENERAL SEWER USE REQUIREMENTS

Section 16.311: USE OF PUBLIC SEWERS REQUIRED

A. Unlawful deposit of waste. No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any Sewage, pollutant or other objectionable waste.

B. Unlawful discharge of wastewater. No person shall discharge to any Natural Outlet within the City or in any area under the jurisdiction of the City, any Sewage or other pollutant, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and with State and Federal laws and regulations.

C. Sewers for Intended Uses Only. No person shall discharge or cause to be discharged directly or indirectly into the POTW any Sewage, pollutant or other waste, or substance other than that for which the particular sewer is intended, designed, and provided.

D. Applicable Permits Required. No person shall discharge into the POTW, or into any fixture that thereafter discharges into the POTW until all applicable approvals and permits have been obtained.

E. All Industrial Users discharging wastewater into public or private sewers connected to the POTW shall comply with applicable Pretreatment Standards and State standards for pretreatment of wastes as they may be amended from time-to-time in addition to any applicable Local Limits as the required by this Ordinance.

F. Use of Sanitary Sewers. Except as specifically designated by the City with reference to some particular sewer, Sanitary Sewers shall be used only for the conveyance and disposal of sanitary Sewage, and for Industrial Wastes that are permitted under this Ordinance. No Sanitary Sewer shall be used to receive and convey or dispose of any storm or surface water, subsoil drainage, or Unpolluted water subject to the following exception: in areas that still have Combined Sewer-Storm Drain infrastructure, existing connections may remain until such time as a public Storm Drain becomes reasonably available.

G. Use of Storm Sewers. Stormwater and all other Unpolluted drainage are regulated under Chapter 16, Article II.

H. Use Designation. If the intended or designated use of any particular sewer or drain and allowable discharge thereto is unclear, the City will consider the pertinent facts and make a determination. This determination shall be final and binding.

I. Unlawful construction. Except as otherwise provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater in any area where a public sewer is available,. The use of

portable chemical toilets is allowed at construction sites and for other temporary purposes provided the wastes are properly disposed of off site.

A. Requirement for connection. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public Sanitary Sewer of the City, is required at the owners' expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days subsequent to the date of official notice to do so, provided that the public sewer is gravity (not low-pressure) and located within one hundred and fifty (150) feet of the building. The City may extend the period to connect from ninety (90) days to no more than one hundred and fifty (150) days for winter conditions or other good cause.

J. Private wastewater disposal facilities. Where a public Sanitary Sewer is not available under the provisions of paragraph (i) above, the Building Sewer shall be connected to a private wastewater disposal system complying with the provisions of State law. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City. At no time shall any quantity of industrial waste be discharged to a private, Domestic Wastewater disposal facility.

K. Discontinuance of use. At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, the owner shall connect to the public sewer, as provided above. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with clean mineral soils, and their use shall be discontinued.

L. Additional requirements. No statement contained in the preceding paragraphs of this section shall be construed to interfere with any additional lawful requirements that may be imposed by the City.

Section 16.312: PRIVATE SEWAGE DISPOSAL

B. Where a public sanitary or Combined Sewer is not available under the provisions of Section 16.311(I) above, the Building Sewer shall be connected to a private Sewage disposal system complying with the provisions of this Ordinance.

C. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Plumbing Inspector.

D. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Plumbing Inspector.

E. The type, capacities, location and layout of a private sewage disposal system shall comply with all regulations of the N.H. Department of Environmental Services. No permit shall

be issued for any private sewage disposal system employing subsurface facilities where the percolation test results indicate poor drainage conditions exist. No septic tank or cesspool shall be permitted to discharge to any Natural Outlet.

F. At such time as a public sewer becomes available to a property served by a private sewage disposal system, subject to the waiver provision below, a direct connection shall be made to the public sewer in compliance with this Ordinance and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material. The City may extend the period to connect from ninety (90) days to no more than one hundred and fifty (150) days for winter conditions or other good cause.

   i. Waiver. Owners of private sewage disposal systems may apply for and receive a waiver of the connection requirement provided that the private sewage disposal system is adequately functioning to serve the current property uses and legally permitted under State law. The waiver shall be withdrawn, and connection required, when the private sewage disposal system is no longer adequately functioning or is not legally permitted by State law.

   ii. A public sewer becomes available for purposes of this ordinance when any house, building or property is used for human occupancy and is located within 150 feet of the property line abutting the street, alley or right of way in which the sewer main is laid.

G. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

H. No requirement contained in this Ordinance shall be construed to interfere or conflict with any additional requirements that may be imposed by the Plumbing Inspector.

Section 16.313: BUILDING SEWERS AND CONNECTIONS

A. No person(s) shall uncover, make any connections with or opening into, alter, or disturb any public sewer or equipment, structure or appurtenance of the POTW without first obtaining authorization from the Department of Public Works. Permits to work within the NHDOT and/or City Right-of-Way (ROW) shall be obtained in addition to DIGSAFE notification.

B. There shall be two classes of Building Sewer permits: one for residential and commercial service producing only Domestic Wastewater; and one for service to establishments producing Industrial Wastes.

   (1) Procedure. Applications for new residential and commercial service shall be made by the Owner or a duly authorized agent. Each application shall be fully completed, accompanied by an application fee, and include any plans, specifications, or other information considered pertinent in the judgement of the City. For an establishment

discharging Industrial Wastes, an application shall be made in accordance with the requirements of this Ordinance.

(2) Determination. If the City determines that it does not or will not have sufficient capacity to serve it shall not be obligated to provide this service. The City may at its option and discretion enter into such agreements with applicant to make readiness to serve improvements at owner's expense. If the City determines that it has sufficient capacity to provide adequate service the City will approve the service and assess a connection fee. The connection fee will consist of the following components: labor and material charges related to the work components of connecting to the main pipe as well as a capacity use surcharge. Service shall not be provided until all required department deposits or payments have been made by the applicant.

C. At the discretion of the Director, the City may construct that section of the service connection located within the public right-of-way extending from the main sewers to the connector's property line (edge of the right-of-way). In such case the owner (connector) shall be assessed a connection fee to reimburse the City for its costs in constructing the service connection. Construction of the remaining section of the Building Sewer including connection of the structure served shall be the responsibility of the owner. All costs and expenses incident to the installation and connection of the Building Sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer. The owner shall be obligated to pay all costs and expenses of operation, repairs, and maintenance and of reconstruction (if needed) of the Building Sewer including the connection to the public sewer.

D. After the initial construction of the Building Sewer, the owner shall thereafter be obligated to pay all costs, expenses of operation, repair, and maintenance and of reconstruction (if needed) of the entire Building Sewer beginning at the public sewer and ending at the building. If City personnel are called out to work on the public sewer and it is subsequently determined that the problem was on the property owner's section of the line, the property owner shall reimburse the City for all costs associated with the service call.

E. If the owner of any building located within the City and benefited, improved, served or accommodated by any public sewer, or to which any public sewer is available, after ninety (90) days' notice from the City shall fail to connect such building as required, the owner shall be in violation of this Ordinance and the City may make such connection and may collect from such owner the costs and expenses thereof by such legal proceeding as may be permitted by law. The City shall have full authority to enter on owner's property to do whatever is necessary to properly drain the improved property into the public sewer.

F. A separate and independent Building Sewer shall be provided for every building with the following exception. If one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the Building Sewer from the front building may be

extended to the rear building and the whole considered as one application and approved by the City.

G. Old Building Sewers may be used in connection with new buildings only when they are found, on examination and testing conducted at Owner's expense, to meet all requirements of this Ordinance and their use approved by the City.

H. The size, slope, alignment, materials of construction of a Building Sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back filling the trench, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City and State. The entire line when completed shall be gas tight and watertight.

I. Whenever possible, the Building Sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any Building Drain is too low to permit gravity flow to the public sewer, sanitary Sewage carried by such Building Drain shall be lifted by a means approved by the City and discharged to the Building Sewer at the owner's expense.

J. No person shall connect roof downspouts, exterior foundations drains, areaway drains, or other sources of surface run-off or ground water to a Building Sewer or Building Drain, which in turn is connected directly or indirectly to a public Sanitary Sewer. Any deviation or exception to this paragraph will require written approval from the City.

K. The method of connection to the Building Sewer into the public sewer shall be acceptable to the City and shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City or the procedure set forth in appropriate specifications of the A.S.T.M. and the W.E.F. Manual Practice No. FD-5. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedure and materials shall be approved by the City before installation.

L. The applicant for the Building Sewer permit shall notify the City when the Building Sewer is ready for inspection and connection to the public sewer. Such notice shall be provided not less than seventy-two (72) hours in advance of the time any connection is to be made to any public sewer. The contractor shall be responsible for satisfying all other notification requirements, including DIGSAFE. The connection and testing shall be made under the supervision of the City. No Building Sewer or repair shall be covered until it has been inspected and approved by the City. If any part of a Building Sewer is covered before being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the building to be connected to a sewer. This requirement shall also apply to repairs or alterations to building connections, drains or pipes thereto. Premature filling of trenches before an inspection is made will subject the owner(s) to opening the trench for inspection or a penalty in accordance with this Ordinance.

Failure of inspection may result in actions through code enforcement up to and including withholding a Certificate of Occupancy or discontinuing of services.

M. All excavations for Building Sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. Prior to any excavating on any public property, a excavation permit shall be obtained from the Department of Public Works.

Section 16.314: PROHIBITED DISCHARGE STANDARDS

A. General Prohibitions. No person shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes Pass Through or Interference. These general prohibitions apply to all users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other Federal, State, or local Pretreatment Standards, requirements or limits.

B. Specific Prohibitions. No person shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

1. Pollutants which create a fire or explosion hazard, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, gas, solid, or any substance that can generate or form any flammable combustible or explosive substance, fluid, gas, vapor or liquid when combined with air, water or other substances present in sewers.;

2. Wastewater having a pH less than 5.5 or greater than 9.5, as measured at the point of connection to the Sanitary Sewer or other available monitoring location, or otherwise causing corrosive structural damage or hazard to the POTW equipment, or personnel, or with alkalinity in such quantities that contribute to or cause the WWTF influent pH to exceed 8.0;

3. Solid or viscous substances including water or wastes containing fats, wax, Grease, or oils, whether emulsified or not, or containing substances that can solidify or become viscous at temperatures between 32°F and 150°F (0-65°C), in amounts that could cause obstruction of the flow in the WWTF resulting in Interference;

4. Pollutants, including oxygen-demanding pollutants (*e.g.,* BOD, COD), or chlorine demand requirements released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause Interference with the WWTF, constitute a hazard to humans or animals, create a public nuisance, exceed national Categorical Pretreatment Standards, or cause Pass Through;

5. Wastewater containing such concentrations or quantities of pollutants that its introduction to the WWTF could cause a treatment process upset and subsequent loss of treatment ability or efficiency;

6. Wastewater having a temperature greater than 150°F (65°C), or that will inhibit biological activity in the WWTF resulting in Interference, but in no case wastewater that causes the temperature at the introduction into the wastewater treatment facility to exceed 104°F (40°C), unless upon approved by the POTW;

7. Oils and Grease of Animal and Vegetable Origin, Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in excess of 100 mg/L, or in amounts that will cause Interference or Pass Through;

8. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

9. Trucked or hauled pollutants, except at discharge points designated by the City in accordance with this Ordinance;

10. Any Medical/Infectious Waste, Pharmaceutical Waste, or Radiological Waste except as specifically authorized in an IDP;

11. Household hazardous wastes including but not limited to paints, stains, thinners, pesticides, herbicides, anti-freeze, transmission and brake fluids, motor oil and battery acid;

12. Wastewater causing, alone or in conjunction with other sources, the wastewater treatment facility's effluent or biosolids to fail a toxicity test; and

13. Any hazardous waste listed or designated by the NHDES under Env-Hw 400.

14. Prohibited wastes described in N.H. Admin. Code § Env-Wq 305.04(c)(3): Wastes introduced into the POTW by any person shall not:
a. Interfere with the safety, operation, maintenance, or performance of the POTW;
b. Have an adverse effect on the receiving stream;
c. Prevent disposal of sludge in the manner used by the POTW; or
d. Otherwise endanger life, limb, public property, or constitute a nuisance;

C. Additional Prohibitions. No Connector shall introduce or cause to be introduced into the POTW the following substances, pollutants or wastewater, unless specifically authorized in an IDP:

15. Noxious or malodorous liquids, gases, solids, or other wastewater that, either singly or by interaction with other wastes, could be sufficient to create a public nuisance, objectionable odors, or a hazard to life, or to prevent entry into the public sewers for maintenance or repair;

16. Wastewater containing any radioactive wastes or isotopes except as specifically authorized in an IDP and in compliance with applicable State or Federal regulations;

17. Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, or otherwise Unpolluted wastewater;

18. Sludges, screenings, or other residues from the pretreatment of Industrial Wastes;

19. Detergents, surface-active agents, or other substances that might cause excessive foaming in the WWTF;

20. Wastewater that could cause a reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than ten percent (10%) of the Lower Explosive Limit;

21. Garbage that has not been shredded to such a degree that all particles will be transported freely under the flow conditions normally prevailing in public sewers. (Garbage grinders may be connected to Sanitary Sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers;

22. Any quantities of flow, concentrations, or both which constitute a "Slug" as defined herein;

23. Waters or wastes which, by interaction with other water or wastes in the treatment works, release dangerous or noxious gases or objectionable odors, form suspended solids that affect the operation of the collection system, or create a condition deleterious to structures and treatment processes;

24. Any materials that exert or cause unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime, slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate); and

25. Wastewater containing any pollutant at a concentration that exceeds a local limit or IDP limit established for that pollutant by the City.

D. Pollutants, substances, or wastewater prohibited by this Ordinance shall not be processed or stored in such a manner that they could be discharged to the POTW.

Section 16.315: FEDERAL CATEGORICAL PRETREATMENT STANDARDS

The Federal Categorical Pretreatment Standards are found at 40 CFR Chapter I, Subchapter N,

Parts 405-471 and are hereby incorporated into the Ordinance.

A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the City may impose equivalent concentration or mass limitations in accordance with 40 CFR 403.6(c).

B. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the City shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

C. A User may obtain a variance from a Categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard.

D. A User may obtain a net gross adjustment to a Categorical standard in accordance with 40 CFR 403.15.

Upon promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall, on the compliance date of the Categorical Pretreatment Standards, immediately supersede the limitations imposed under this Ordinance.

Compliance with Categorical Pretreatment Standards shall be achieved within three (3) years of the date such standards are effective, unless a shorter compliance schedule is specified in the standards.

An Industrial User subject to Categorical Pretreatment Standards shall not discharge wastewater directly or indirectly to the POTW subsequent to the compliance date of such standards unless an amendment to its Industrial Discharge Permit has been issued by the City.

Section 16.316: LOCAL DISCHARGE RESTRICTIONS

The Director is authorized to establish Local Limits by this Ordinance and pursuant to 40 CFR 403.5. In the event of a conflict between any State Pretreatment Standards, Federal Categorical Pretreatment Standards or Local Limits, the most stringent shall apply.

The Director is further authorized to develop Best Management Practices by policy, practice or as a condition of any IDP.

A. LOCAL LIMITS: Numerical pollutant discharge limitations are established to protect against pass-through and Interference. No person shall discharge wastewater containing constituents at daily concentrations greater than indicated in:

Appendix I – Maximum Allowable Industrial Mass Loading Limitations / Local Limits

For industrial discharge applications, the local limits in Appendix I shall apply at the end of the process train prior to dilution with non-industrial wastewaters.

Daily concentrations are the concentration of a pollutant discharged, determined from the analysis of a flow-composited sample (or other sampling procedure approved by the City) representative of the discharge over the duration of a 24-hour day or industrial operating schedule of less than twenty-four (24) hours.

All concentration limits for metals represent "total" metal unless indicated otherwise. The Director may impose mass limitations in accordance with section 16.319 in place of the concentration-based limitations above.

Unless specifically identified in an Industrial Discharge Permit, an Industrial User shall not discharge the locally limited pollutants at concentrations twenty (20) percent greater than the background concentrations used for local limits development.

Pollution Prevention activities that result in a decreased discharge of these pollutants to the WWTF, such that the headworks loading of a pollutant is less than forty (40) percent of the allowable loading, may result, at the discretion of the City, in rescission of a local limit for that pollutant from this Ordinance.

B. SPECIAL AGREEMENTS: The City reserves the right to enter any special or temporary agreement or arrangement between the City and any Industrial User whereby an industrial waste of unusual strength or character or a discharge of short term duration may be accepted by the City for treatment provided that the agreement does not contravene any requirements of existing Federal or State laws, and/or regulations promulgated hereunder and do not waive applicable Federal Categorical Pretreatment Standards.

Section 16.317: CITY'S RIGHT OF REVISION

The City reserves the right to establish, by ordinance or in an individual IDP, more stringent standards or requirements than those currently established in this ordinance if more stringent standards or requirements are reasonably required to fulfil the purposes of this Ordinance.

Section 16.318: DILUTION

No Industrial User shall ever increase the use of water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or requirement. The City may impose mass limitations on users to discourage the use of dilution to meet applicable Pretreatment Standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

Section 16.319: MASS-BASED LIMITATIONS

Users implementing process changes may request that compliance be determined based on mass limitations in lieu of concentration limitations. Such mass-based limitations will be calculated from the permitted concentration-based limitations and flows and shall be equivalent to or less than the mass discharge in effect at the time of the request. The intent of a mass-based limit is to encourage and allow Pollution Prevention and/or water conservation measures that might cause a facility to increase pollutant concentrations in their discharge even though the total mass of the pollutant discharged does not increase and may in fact decrease. Decisions on granting requests for mass-based compliance limitations will be based on user-specific information and current operating conditions of the WWTF and will be at the discretion of the City. Implementation of mass-based limitations may not contravene any requirements of Federal or State laws and/or regulations implemented hereunder. For Categorical Pretreatment Standards that are expressed only in terms of pollutant concentrations, the City may establish equivalent mass limits only if the User meets all the conditions in 40 CFR 403.6 (c) (5).

Section 16.320: RESERVED

DIVISION 3—PRETREATMENT OF WASTEWATER

Section 16.321: PRETREATMENT FACILITIES

Industrial Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Sections 16.314, 16.315, and 16.316 of this Ordinance within the time limitations specified by EPA, the State, or the City, whichever is more stringent. All facilities required to achieve and maintain compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City for review and shall be acceptable to the City and the NHDES Water Division before such facilities are constructed. Such facilities shall not be connected until approval is obtained in writing. The review of such plans and operating procedures shall in no way relieve the User of the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Ordinance. Plans and specifications for a proposed pretreatment facility shall be the result of the design of a professional engineer licensed by the State of New Hampshire.

Section 16.322: ADDITIONAL PRETREATMENT MEASURES

A. Whenever deemed necessary, the City may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sanitary Sewage waste streams from industrial waste streams, provide for Source Reduction, and impose such other conditions as are deemed necessary to protect the POTW and determine the User's compliance with the requirements of this Ordinance.

B. The City may require any Connector to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An IDP may be issued solely for flow equalization.

C. Grease, oil, and/or sand interceptors shall be provided at the owner's expense when, in the opinion of the City, such devices are necessary for the preliminary treatment of wastewater containing excessive amounts of Grease, oil, and/or sand; except that such interceptors shall not be required for solely residential users. All interception units shall be of a type and capacity approved by the City and shall be so located as to be easily accessible for cleaning and inspection. Maintenance of interceptors requires that the owner be responsible for the proper removal and disposal by appropriate means of the captured materials, in accordance with the requirements established by the City. The owner shall maintain records of the servicing of Grease, oil, and/or sand interceptors. The form and content of such records will be determined by the City and the records shall be subject to periodic review. The removal and disposal of captured materials from interceptors shall be performed by a Septage or sludge Hauler holding a current permit issued by the State of New Hampshire, or by a Hazardous Waste Transporter currently registered with the State of New Hampshire, whichever is applicable. Grease Interceptors / Grease Traps servicing food service establishments shall be installed, maintained, and permitted in accordance with Section 16.325.

D. Users with the potential to discharge flammable substances shall, at the discretion of the Director, install and maintain an approved combustible gas detection meter and alarm.

E. Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, these devices shall be maintained continuously in satisfactory and effective operation at owner’s expense.

F. The owner of any building serviced by a Building Sewer carrying Industrial Wastes may, at the discretion of the City, be required to install a suitable control manhole or approved equivalent structure together with such necessary meters and other appurtenances in the Building Sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be accessible and safely located and shall be constructed in accordance with plans approved by the City. The manhole shall be installed and maintained by the owner at owner’s expense so as to be safe and accessible at all times. The owner shall perform such monitoring as the City may reasonably require including installation, use and maintenance of monitoring equipment, maintaining records and reporting the results of such monitoring to the City. Such records shall be made available upon request of the City and shall be available to other agencies having jurisdiction over discharges to the receiving waters.

G. Dental practices that remove or place mercury containing amalgam shall comply with Federal and State regulations.

Section 16.323: ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS

Each Industrial User shall provide protection from accidental discharge of prohibited materials or

their wastes regulated by this Ordinance.

The City shall upon issuance or renewal of any IDP, and at such other times as may be reasonably required, evaluate whether an SIU needs an accidental discharge/Slug control plan or other action to control Slug Discharges.

The City may require any Industrial User to develop, submit for approval, and implement such a plan. Alternatively, the City may develop such a plan for any Industrial User. An accidental discharge/Slug control plan shall address, at a minimum, the following:

A. A description of discharge practices, including non-routine batch discharges;

B. A description of all stored chemicals;

C. Procedures for immediately notifying the City of any accidental or Slug Discharge, as required by Section 16.356 of this Ordinance;

D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing pollutants, including solvents, and/or measures and equipment for emergency response.

All expenses and costs for the development and implementation of any plan shall be the responsibility of the Industrial User. Review and approval of such plans and operating procedures shall not relieve the Industrial User any other responsibility or condition of its IDP or from any requirement to modify its facility to meet the requirements of this Article.

Section 16.324: POLLUTION PREVENTION PLANS

The City may require any Industrial User discharging wastes into the POTW to develop and implement, at their own expense, a Pollution Prevention plan. The City may require such Users to submit as part of the Pollution Prevention plan information that demonstrates adherence to the following elements:

A. Management Support. For changes to be effective, the visible support of top management is required. Management's support should be explicitly stated and include designation of a Pollution Prevention coordinator, goals, and time frames for reductions in volume and toxicity of waste streams, and procedures for employee training and involvement.

B. Process Characterization. A detailed process waste diagram shall be developed that identifies and characterizes the input of raw materials, the outflow of products, and the generation of wastes.

C. Waste Assessment. Estimates shall be developed for the amount of wastes generated by each process. This may include establishing and maintaining waste accounting systems to track sources, the rates and dates of generation, and the presence of hazardous constituents.

D. Analysis of Waste Management Economics. Waste management economic returns shall be determined based on the consideration of:

    a. Reduced raw material purchases;

    b. Avoidance of waste treatment, monitoring and disposal costs;

    c. Reductions in operations and maintenance expenses;

    d. Elimination of permitting fees and compliance costs; and

    e. Reduced liabilities for employee/public exposure to hazardous chemicals and cleanup of waste disposal sites.

E. Development of Pollution Prevention Alternatives. Current and past Pollution Prevention activities shall be assessed, including estimates of the reduction in the amount and toxicity of waste achieved by the identified actions. Opportunities for Pollution Prevention shall then be assessed for identified processes where raw materials become or generate wastes. Technical information on Pollution Prevention shall be solicited and exchanged, both from inside the organization and out.

F. Evaluation and Implementation. Technically and economically feasible Pollution Prevention opportunities shall be identified and an implementation timetable with interim and final milestones shall be developed. The recommendations that are implemented shall be periodically reviewed for effectiveness.

All expenses and costs for the development and implementation of any plan shall be the responsibility of the Industrial User. Review and approval of such plans and operating procedures shall not relieve the Industrial User of any other responsibility or condition of its IDP or from any requirement to modify its facility to meet the requirements of this Ordinance.

Section 16.325: FATS, OILS, AND GREASE (FOG) PROGRAM

Grease removal systems are required for all connections to the POTW from Food Service Establishment (FSE) operations including, but not limited to, restaurants, cafeterias, nursing homes, schools, hospitals, or other connections which discharge or have the potential to discharge quantities of Grease to the POTW.

No FSE conducting food preparation or food processing operations shall discharge wastewater into the POTW without first obtaining a FOG program permit.

A. Any FSE required to have a Grease removal system shall install:

a. An outdoor passive in-ground Grease Interceptor, minimum 1000 gallons, where available exterior space exists, or;

b. An indoor passive Grease Trap sized appropriately for the Food Service if:

i. It can be demonstrated that no exterior space exists, and/or
ii. The City determines the Food Service provided is too limited to warrant the protection of an exterior 1000 gallon interceptor.

B. No wastewater, other than from kitchen fixtures or food processing equipment, shall discharge into the Grease removal system. Wastewater from sanitary sources such as toilets and bathroom sinks is prohibited from being discharged to the Grease removal system.

C. Grease interceptors and Grease traps shall be cleaned by a professional cleaning service at a minimum:

a. Exterior belowground Grease Interceptors; Quarterly (every three months), unless the Department has specified in writing an irregular cleaning schedule for an establishment;
b. Interior Grease Traps; monthly, unless the Department has specified in writing an irregular cleaning schedule for an establishment,

D. Records of the dates of cleaning and means of disposal shall be maintained for a period of five years.

E. All wastewater from food preparation operations and/or washing and clean-up operations, including, but not limited to, pot sinks, pre-rinse stations, work stations, soup kettles, braising pans, mop sinks and wastewater generated from exhaust fan hood cleaning operations shall discharge to the Grease removal system. All automatic dishwasher wastewater, excluding pre-rinse stations, shall bypass the Grease removal device and be discharged directly into the sewer system.

Section 16.326-16.330: RESERVED

DIVISION 4—INDUSTRIAL DISCHARGE PERMIT (IDP) APPLICATION

Section 16.331: INDUSTRIAL USER CLASSIFICATION SYSTEM

The City maintains an Industrial User classification system to allow the City to group users into categories that define the degree of regulatory attention required. The classification system establishes priorities for allocation of City resources, and promotes uniformity and fairness in the application of regulations affecting Industrial Users. A User may be designated at a higher

classification level if the City determines that the User has a reasonable potential for adversely affecting POTW operation, if the User has violated any Pretreatment Standard or requirement, or at the discretion of the City. Users are assigned to one of three classes.

A. Class 1: Dischargers of large volumes of industrial wastewater (greater than 10,000 gpd), high loadings (greater than five percent [5%] of the average dry weather hydraulic or organic capacity of the WWTF), and/or chemical constituents warranting a high degree of control and monitoring. Included in this class are all users that are subject to Categorical Pretreatment Standards and users with pretreatment systems that employ automatic controls for sensing, pumping, dosing, and/or other treatment functions occurring without the manual intervention of an operator.

B. Class 2: Discharge between 1,000 and 10,000 gpd of industrial wastewater. Also included are dischargers of greater than 100 gpd with a moderate level of pretreatment (i.e., requires an operator to manually operate equipment, add chemicals, etc.). Dischargers of up to 1,000 gpd of industrial wastewater and restaurants up to 5,000 gpd. Class 2 also includes dischargers with basic pretreatment procedures (e.g., batch pH adjustment, Grease, oil, and/or sand interceptors, silver recovery units) and whose industrial wastewater flows do not exceed 100 gpd.

C. Class 3: Dischargers of industrial wastewater that are not otherwise classified and are not required to possess an IDP because:

    a. Pollutants of concern are not detectible in the User's effluent;
    b. Pollutants of concern are present in only trace amounts and are neither causing nor likely to cause pass-through or Interference;
    c. Pollutants of concern are present in amounts too small to be effectively reduced by known treatment technologies; or
    d. The User's waste stream contains only pollutants compatible with the WWTF.

    Class 3 users (including Dental Facilities and others) may be required to implement Best Management Practices which may include: a schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to the POTW. BMPs include treatment requirements, operating procedures, and practices to control discharges to the POTW. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established Categorical Pretreatment Standards and effluent limits.

D. Class 4: Non discharging Federal categorical Users

    The Federal Pretreatment Regulations allow, at the City's discretion, the classification of certain CIUs as nonsignificant and, thus, not subject to permitting. As defined in the Pretreatment Regulations at 40 CFR 403.3(v)(2), an NSCIU is a discharger that, among other things, never discharges more than 100 gpd of total categorical wastewater to the POTW and never discharges any untreated concentrated wastes. If an Industrial User is determined to be an NSCIU, the User is no longer an SIU and is therefore not required to be controlled through a permit or other control mechanism although the City may choose

to do so. Regardless of whether an Industrial User is determined to be an NSCIU, it is still a Categorical discharger and, as such, is still required to comply with applicable Categorical Pretreatment Standards and related reporting and notification requirements at 40 CFR 403.12(b), (c), (d), (f), (j), (l), and (p).

E. Class 5 – Potential PFAS discharger: This Class of IUs may be required to obtain an IDP.

Section 16.332: WASTEWATER CHARACTERIZATION

When requested by the City, any User shall submit information on the nature and characteristics of its wastewater discharge within sixty (60) days of the request. The City is authorized to prepare a form for this purpose and may periodically require users to update this information.

Section 16.333: IDP REQUIREMENT

No Industrial User shall discharge wastewater into the POTW without first obtaining an IDP with the following exceptions:

A. A User who has filed a timely and complete application pursuant to Section 16.334 of this Ordinance may continue to discharge for the time period specified therein.

B. A User who has received written notification from the City that they do not need an IDP, but shall promptly notify the City of any alteration in either flow or waste characteristics of the wastewater being discharged into the POTW.

Any violation of the terms and conditions of an IDP shall be deemed a violation of this Ordinance and subjects the User to the enforcement actions set forth in this Ordinance. Obtaining an IDP does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or requirements or Local Limits, or with any other requirements of Federal, State, and local law.

Section 16.334: EXISTING CONNECTIONS

Any User required to obtain an IDP discharging wastewater into the POTW prior to the effective date of this Ordinance, and not currently covered by an IDP, and wishing to continue such discharges in the future, shall, within sixty (60) days after the effective date, apply for an IDP in accordance with this Ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of this Ordinance except in accordance with an IDP issued by the City.

Section 16.335: NEW CONNECTIONS

Any person required to obtain an Industrial Discharge Permit who proposes to begin or recommence discharging into the POTW shall obtain an IDP prior to the beginning or

recommencing of such discharge. An application for this IDP shall be filed at least ninety (90) days prior to the date upon which any discharge is proposed to begin or recommence.

Section 16.336: FEDERAL CATEGORICAL PRETREATMENT STANDARDS

Within one hundred twenty (120) days subsequent to the effective date of a Federal Categorical Pretreatment Standard, an Industrial User subject to such standards shall submit an application for an IDP amendment.

Section 16.337: IDP APPLICATION CONTENTS

A. All users required to obtain an IDP, and other users subject to pretreatment requirements, as required by the City, shall submit a completed IDP application and application fee. The IDP application may, without limitation, require information regarding:

   1. Each product produced by type, amount, process or processes, and rate of production, and amount of raw materials processed (average and maximum per day);
   2. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
   3. Time, duration and rate of discharges; and
   4. Any other information reasonably required by the City.

B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

Section 16.338: SIGNATORIES AND CERTIFICATION

All IDP applications and User reports shall be signed by an authorized representative of the User and contain the following certification statement:`

> "On behalf of the applicant (owner) named herein, I hereby apply for a permit to discharge non-Domestic Wastewater to the wastewater collection and treatment facilities owned by the City of Portsmouth, NH. I certify that I am familiar with Chapter 16, Article III, and the information contained in this application. I certify under the penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted herein is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further understand that if the actual wastewater discharged differs in any significant matter from the information contained herein, any permit issued based upon this application is void and such discharge shall be in violation of the City of Portsmouth Ordinances"

If the designation of an Authorized Representative of the Connector is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section shall be submitted to the City prior to or together with any reports to be signed by an Authorized Representative of the Connector.
Nothing in this section limits the City's authority to require certifications for any other reports, applications or documents that the Cit may require to implement this Ordinance.

Section 16.339 and 16.340: RESERVED

DIVISION 5—INDUSTRIAL DISCHARGE PERMIT (IDP) ISSUANCE PROCESS

Section 16.341: IDP DECISIONS

The City will evaluate the data provided by the Industrial User and may require additional information. Within thirty (30) days of receipt of a complete IDP application [or ninety (90) days in the case of an application for a new or increased discharge requiring review and approval by the NHDES Water Division], the City will determine whether or not to issue an IDP. The City may deny any application for an IDP or request such additional information as may be needed to complete the review of the application.

Section 16.342: IDP DURATION

An IDP shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit.

IDPs shall be terminated upon cessation of operations or transfer of business ownership, unless notification of such transfer is provided in accordance with Section 16.346 of this Ordinance. All IDPs issued to a particular User are void upon the issuance of a new IDP to that User.

Section 16.343: IDP CONTENT

An IDP shall include such conditions as are deemed reasonably necessary by the City to prevent Pass Through or Interference, protect the quality of the water body receiving the wastewater treatment facility's effluent, protect human health and safety, facilitate biosolids management and disposal, and protect against damage to the POTW.

A. IDPs shall contain:

1. Dates of IDP issuance and expiration, with a duration not to exceed five (5) years;

2. A statement that the IDP is nontransferable without prior notification to the City and provisions for providing the new owner or operator with a copy of the existing IDP;

3. Effluent limits including Best Management Practices and general and specific prohibitions based on the requirements of this Ordinance;

4. Identification of applicable Federal Categorical Pretreatment Standards;

5. Self-monitoring, sampling, inspection, reporting, notification, and record-keeping requirements. For pollutants to be monitored, these requirements shall include sampling locations, sampling frequencies, and sample types based on this Ordinance, and State and Federal laws, rules and regulations;

6. For users with reporting requirements, such reports at a minimum shall require:

   a. Periodic monitoring results indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by the IDP and the average and maximum daily flow for these process units;

   b. A statement as to whether the applicable Pretreatment Standards and requirements are being met on a consistent basis and, if not, identification of additional operation and maintenance practices and/or pretreatment systems that are necessary;

   c. Submittal of any monitoring results performed in addition to the requirements of the IDP using procedures prescribed in the permit; and

   d. Appropriate supporting documentation.

7. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements; and

8. Any applicable compliance schedule. This schedule may not extend the time for compliance beyond that required by this Ordinance, and applicable State and Federal laws, rules and regulations.

B. IDPs may contain, but need not be limited to, the following conditions:

1. Limitations on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;

3. Requirements for the development and implementation of spill control plans or other special conditions including Best Management Practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

4. Development and implementation of Pollution Prevention plans to reduce the amount of pollutants discharged to the POTW;

5. Requirements for installation and maintenance of inspection and sampling facilities and equipment;

6. A statement that compliance with the IDP does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those that become effective during the term of the IDP;

7. Requirements to control Slug Discharges, if determined by the POTW to be necessary; and

8. Other conditions as deemed appropriate by the Director to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.

Section 16.344: IDP APPEALS

Any person, including the User, may petition the Director to reconsider the terms of an IDP within thirty (30) days of notice of its issuance.

A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

B. In its petition, the appealing User shall indicate the IDP provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the IDP.

C. The effectiveness of the IDP shall not be stayed pending the appeal.

D. If the Director fails to act within thirty (30) days, the appeal shall be deemed to be denied.

E. Aggrieved parties may appeal the conditions of the IDP in accordance with Section 16.416 of this Ordinance.

Section 16.345: IDP MODIFICATION

The City may modify an IDP for good cause, including, but not limited to, the following reasons:

A. To incorporate any new or revised Federal, State, or Local Pretreatment Standards or requirements;

B. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of IDP issuance;

C. To manage a change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

D. To address a threat to the POTW, City personnel, the public or the water quality in the receiving waters;

E. To remedy the violation of any terms or conditions of the IDP;

F. To account for any misrepresentations or failure to fully disclose all relevant facts in the IDP application or in any required reporting;

G. To incorporate the revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;

H. To correct typographical or other errors in the IDP; or

I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

Section 16.346: IDP TRANSFER

An IDP may be transferred only upon the approval of the City. Users shall provide at least sixty (60) days advance notice to the City of any proposed transfer. Notice to the City shall include written certification by the new owner or operator that:

A. The new owner and/or operator has no immediate intent to change the facility's operations and processes that generate wastewater to be discharged to the POTW;

B. Identifies the specific date on which the transfer is to occur; and

C. Acknowledges full responsibility for complying with the existing IDP.

Failure to provide the required advance notice of a transfer or to obtain the approval of the City renders the IDP void as of the date of facility transfer.

Section 16.347: IDP REISSUANCE

A User with an expiring IDP shall apply for reissuance of the IDP by submitting a complete IDP application a minimum of sixty (60) days prior to the expiration of the User's existing IDP. An expired IDP will continue to be effective and enforceable until the IDP is reissued if:

A. The Industrial User has submitted a complete IDP application at least sixty (60) days prior to the expiration date of the User's existing permit; and

B. The failure to reissue the IDP, prior to expiration of the previous IDP, is not due to any act or failure to act on the part of the Industrial User.

Section 16.348-16.350: RESERVED

DIVISION 6—REPORTING REQUIREMENTS

Section 16.351: BASELINE MONITORING REPORTS

A. Within either one hundred eighty (180) days subsequent to the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing categorical users currently discharging to, or scheduled to discharge to the POTW, shall submit to the City a report that contains the information listed in paragraph (B), below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the City a report that contains the information listed in paragraph (B), below. If necessary, a New Source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A New Source also shall provide estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below:

1. Identifying Information. The name and address of the facility, including the name of the operator and owner.

2. Environmental Permits. A list of any environmental permits held by or for the facility.

3. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) conducted by such User. This description should include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes. Standard industrial classification shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gpd, to the POTW from regulated process streams and other streams, as necessary to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

5. Measurement of Pollutants.

   a. The Categorical Pretreatment Standards applicable to each regulated process.

   b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the

Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 16.360 of this Ordinance. In cases where the Categorical Pretreatment Standard requires compliance with a Best Management Practice or Pollution Prevention alternative, the User shall submit documentation as required by the City or the applicable Categorical Pretreatment Standards to determine compliance with the Standard.

c. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this Section.

d. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the City;

e. Sampling shall be performed in accordance with procedures set out in this Ordinance.

f. The City may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

g. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

6. Certification. A statement, reviewed by the User's authorized representative and certified by a qualified professional, indicating whether the applicable Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment systems are required to attain consistent compliance with the Pretreatment Standards and requirements.

7. Compliance Schedule. If additional pretreatment and/or O&M is required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable

Pretreatment Standard. A compliance schedule pursuant to this section shall meet the requirements set out in this Ordinance.

8. Signature and Certification. All baseline monitoring reports shall be signed and certified in accordance with this Ordinance.

Section 16.352: COMPLIANCE SCHEDULES/PROGRESS REPORTS

The following conditions shall apply to the compliance schedules required by this Ordinance:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, retaining an engineer, completing preliminary and final design plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

B. No increment referred to above shall exceed nine (9) months;

C. The User shall submit a progress report to the City no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the action being taken by the User to return to the established schedule; and

D. In no event shall more than nine (9) months elapse between such progress reports to the City.

Section 16.353: REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT DEADLINE

Within ninety (90) days, following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and requirements shall submit to the City a report containing the information described in Section 16.351 (B) (1-5) of this Ordinance. For users subject to equivalent mass or concentration limitations established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports shall be signed and certified in accordance with this Ordinance.

Section 16.354: PERIODIC COMPLIANCE REPORTS

A. All users holding IDPs shall, at a frequency determined by the City but in no case less than twice per year for Class 1 users (annually for Class 2 users), submit a report as specified on their IDP. This report shall include the results of the analysis of wastewater samples indicating the nature and concentration of pollutants in their wastewater that are limited by this Ordinance, and the measured or estimated average and maximum daily flows for the reporting period. In cases where compliance with a Best Management Practice or Pollution Prevention alternative is required, the User shall submit documentation as required by the City or the applicable Standards to determine compliance status of the User. All periodic compliance reports shall be signed and certified in accordance with this Ordinance.

B. All wastewater samples shall be representative of the User's typical discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and orderly, and maintained in good working order at all times. The failure of a User to maintain its monitoring facility in satisfactory working condition shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

C. If a User subject to the reporting requirement in this Ordinance monitors any pollutant more frequently than required by the City, using the procedures prescribed in Sections 16.360 and 16.361 of this Ordinance, the results of this monitoring shall be included in the report.

Section 16.355: REPORTS OF CHANGED CONDITIONS

Each User shall notify the City of any planned significant changes to the User's operations or system that might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

A. The City may require the User to submit such information the City deems necessary to evaluate the changed condition, including the submittal of an IDP application.

B. The City may issue an IDP or modify an existing IDP in response to changed conditions or anticipated changed conditions.

C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

Section 16.356: REPORTS OF SLUGS OR POTENTIALLY ADVERSE DISCHARGES

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a Slug, that may adversely impact the POTW, the User shall immediately telephone and notify the POTW of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions conducted by the User.

B. Within five (5) days following such discharge, the User shall, unless waived by the City, submit a detailed written report describing the cause(s) of the discharge and the measures to be initiated by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability that may be imposed pursuant to this Ordinance. This report shall be signed and certified in accordance with this Ordinance.

C. A notice shall be permanently posted on the User's bulletin board or other prominent location advising employees who to call in the event of a discharge described in paragraph (A) of this section. Employers shall ensure that all employees who could cause such a discharge to occur are advised of the emergency notification procedure.

D. The permittee shall notify the City of any changes at its facility that may affect the potential for a Slug Discharge. The City may require the permittee to develop or modify a Slug Control Plan or take other actions to control Slug Discharges.

Section 16.357: REPORTS FROM UNPERMITTED USERS

A. The City may require users not otherwise required to obtain an IDP to perform monitoring of their discharges including the installation, use and maintenance of monitoring equipment, keeping of records and reporting the results of such monitoring to the City. Such records shall be made available upon request by the City to other agencies having jurisdiction over discharges to the receiving waters.

Section 16.358: NOTICE OF VIOLATION / REPEAT SAMPLING AND REPORTING

In the event that effluent monitoring indicates a violation (i.e., exceedance of a limit), the presence of a previously unreported pollutant, the User shall notify the City within twenty-four (24) hours of becoming aware of the exceedance. For violations (and unreported pollutants exceedances at the discretion of the City), the User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty (30) days subsequent to becoming aware of the violation. The User is not required to resample if the City monitors that pollutant at the User's facility at least once a month, or if the City samples for that pollutant between the User's initial sampling and when the User receives the results of this sampling.

Section 16.359: NOTICE OF DISCHARGE OF HAZARDOUS WASTE

Any discharge into the POTW of a substance that, if otherwise disposed would be a hazardous waste under 40 CFR Part 261 or are hazardous wastes as defined in the NHDES Hazardous Waste Rules, is prohibited unless permitted by applicable State of New Hampshire and Federal permits and the City.

In the event that a Connector becomes aware of a discharge of hazardous waste, the notification requirements of Section 16.356 items A and B will apply.

Section 16.360: ANALYTICAL REQUIREMENTS

All pollutant analyses, including sampling techniques, to be submitted as part of an IDP application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses shall be performed in accordance with procedures approved by EPA.

A laboratory that is currently certified by the State of New Hampshire to perform the requested tests shall perform all analyses. Complete copies of analytical laboratory reports, including all relevant quality control data, shall be submitted as part of each IDP application or report. If, for whatever reason, any part of a laboratory report is deleted, augmented, or otherwise changed following its original issuance by the laboratory, then any IDP application or report making use of that laboratory data shall clearly and completely identify the original report content and the nature of the change that was made.

Section 16.361: SAMPLE COLLECTION

Samples collected to satisfy reporting requirements shall be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

A. Except as indicated in paragraph (B), below, the User shall collect wastewater samples using twenty-four-hour flow-proportional composite collection techniques. In the event flow-proportional sampling is not feasible, the City may authorize the use of time-proportional sampling or a minimum of four (4) Grab Samples where the User demonstrates that this will provide a representative sample of the effluent being discharged. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and Grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by [the City], as appropriate. In addition, Grab Samples may be required to demonstrate compliance with Instantaneous Limits. A single Grab Sample may also be used in place of a composite sample with approval of the City when:

1. The effluent is not discharged on a continuous basis (i.e., batch discharges of short duration), and only when the batch exhibits homogeneous characteristics (i.e., completely mixed) and the pollutant can be safely assumed to be uniformly dispersed;

2. Sampling is at a facility where the City determines that a statistical relationship can be established between previous Grab Samples and composite data; and

3. The waste conditions are relatively constant (i.e., are completely mixed and homogeneous) over the period of the discharge.

B. Samples for oil and Grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques in accordance with 40 CFR Part 136.

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section[s] 16.351 and 16.353 [40 CFR 403.12(b) and (d)], a minimum of four (4) Grab Samples shall be used for pH, cyanide, total phenols, oil and Grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City may authorize a lower minimum. For the reports required by Section 16.354 [40 CFR 403.12(e) and 403.12(h)], the Industrial User is required to collect the number of Grab Samples necessary to assess and assure compliance with applicable Pretreatment Standards and requirements.

D. Samples shall only be collected by individuals who are properly qualified, through verifiable training and experience, to perform the type of sampling required. The integrity of all samples shall be ensured by following established chain-of-custody practices for evidentiary samples. Sampling and chain-of-custody records shall be maintained in accordance with the IDP. Copies of chain-of-custody records shall be submitted as part of each IDP application or report.

Section 16.362: TIMING

Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, the date of receipt of the report by the person designated in the Industrial Discharge Permit shall govern.

Section 16.363: RECORDKEEPING

Users subject to the reporting requirements of this Ordinance shall create, retain, and make available for inspection and copying, records of all information obtained pursuant to any monitoring activities, including documentation associated with Best Management Practices, required by this Ordinance or IDP and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Records shall include the date, exact location, method, and time of sampling, and the name of the person(s) obtaining the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least five (5) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the City. The City may require records be submitted upon written request to local or State officials.

Section 16.364-16.370: RESERVED

DIVISION 7—POWERS AND AUTHORITIES OF INSPECTORS

Section 16.371: RIGHT OF ENTRY: INSPECTION AND SAMPLING

All Connectors discharging to the POTW shall allow unrestricted access by City, State and EPA personnel and their duly authorized agents ("Inspectors") for the purpose of determining whether the Connector is complying with all requirements of this Ordinance, and any IDP or order issued hereunder. Inspectors bearing proper identification shall have access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a Connector has security measures in force that require proper identification and clearance before entry into its premises, the Connector shall make and maintain all necessary arrangements so that, upon presentation of suitable identification, the Inspectors will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The Inspectors shall have the right to set up on the Connector's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the Connector's operations.

C. The Inspectors may require the Connector to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the Connector at its own expense. All devices used to measure wastewater flow and quality shall be calibrated in accordance with the manufacturer's recommendations (but at least annually) to ensure their accuracy. Calibration records shall be maintained.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the Connector at the written or verbal request of the Inspectors and shall not be replaced. The costs of clearing such access shall be borne by the Connector.

E. Unreasonable delays in allowing the Inspectors access to the Connector's premises, sampling or inspection sites, or pretreatment records shall be a violation of this Ordinance.

F. Inspectors are authorized to obtain information concerning all industrial processes that have a bearing on the kind or source of discharge to the POTW.

G. Inspectors shall observe all safety rules applicable to the premises established by the Connector.

H. Inspectors shall be permitted to enter all private properties through which the City or State holds an easement for the purposes of, but not limited to, inspection, observation,

measurement, sampling, repair, and maintenance of any portion of the POTW lying within the described easement. All entry and subsequent work, if any, within the easement, shall be done in accordance with the terms of the easement.

Section 16.372: ADMINISTRATIVE INSPECTION WARRANT

The City shall have all rights available to it under State law including without limitation under RSA 595-B, to apply for any administrative inspection warrant or like legal authority to enter any building. structure, or property, or any part thereof, for purposes of enforcing this Ordinance.

Section 16.373-16.375: RESERVED

DIVISION 8—CONFIDENTIAL INFORMATION

Section 16.376: CONFIDENTIAL INFORMATION

Information and data about a Connector obtained from reports, surveys, IDP Applications, IDPs, monitoring programs, and from the City's inspection and sampling activities, shall be public records. User may, at the time of collection or submittal of information or data, request that such information or data be designated as confidential and the reason for such designation (for example that the documentation reveals proprietary methods of production entitled to protection as a trade secret under State law). That stated, in the event of any public record request, the City shall apply the current law under RSA 91-A or its equivalent relative to the determination as to whether the document or data is or is not subject to disclosure. Further, all information and data, regardless of designation shall be made available immediately upon request to governmental agencies for uses related to this Ordinance, the NPDES program or pretreatment program, and in enforcement proceedings. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information.

Section 16.377-16.380: RESERVED

DIVISION 9—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

Section 16.381: ANNUAL PUBLICATION

The City will publish annually, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of the users that, during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter

taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Division 2;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Division 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and Grease, and 1.2 for all other pollutants except pH);

C. Any other violation of a Pretreatment Standard or Requirement as defined by Division 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s), which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the Industrial Pretreatment Program.

Section 16.382: RESERVED

DIVISION 10—ADMINISTRATIVE ENFORCEMENT REMEDIES

Section 16.383: NOTIFICATION OF VIOLATION

When the City determines that a person or Connector has violated, or continues to violate, any provision of this Ordinance, an IDP, or order issued hereunder, or any other Pretreatment Standard or requirement, the City may serve upon that person or Connector a written Notice of Violation. A response to the Notice of Violation is required within the time specified in the violation notice. A Notice of Violation may require an explanation of the violation and a plan for the satisfactory correction and prevention of a future violation. Submittal of this plan in no way relieves the Connector of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Ordinance shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

Section 16.384: COMPLIANCE SCHEDULE DEVELOPMENT

The City may require any Connector that has violated, or continues to violate, any provision of this Ordinance, an IDP or order issued hereunder, or any other Pretreatment Standard or requirement, to develop a compliance schedule as described in this Ordinance.

Section 16.385: POLLUTION PREVENTION PLAN DEVELOPMENT

The City may require any Connector that has violated or continues to violate any provision of this Ordinance, an IDP, or order issued hereunder, or any other Pretreatment Standard or requirement, to develop a Pollution Prevention plan in accordance with this Ordinance.

Section 16.386: ADMINISTRATIVE ORDERS

The City may issue any form of administrative order to implement and enforce the requirements of this Ordinance. Such administrative orders may take the form of any of the following types:

Compliance Order. This form of administrative order directs the person or Connector to achieve or restore compliance by a date specified in the order. This administrative order is not negotiated with the person or Connector.

Cease-and-Desist Order. This form of administrative order demands the immediate cessation of unauthorized discharges or unlawful conduct.

Show Cause Order. This form of administrative order directs the person or Connector to appear before the City, explain its noncompliance and show cause why enforcement action against the Connector should not be taken. Notice shall be served on the person or Connector specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and request that the Connector show cause why enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail at least ten (10) days prior to the meeting. Such notice may be served on any Authorized Representative of the Connector.

Consent/Negotiated Order. This form of administrative order reflects the negotiation of a resolution to bring the Connector into compliance. Such orders typically include specific action to be taken by the Connector correct the noncompliance within a time period specified by the order.

Section 16.387: TERMINATION OF CONNECTION AND REVOCATION

The City may terminate the connection of any Connector or revoke any IDP or other permit, permission or approval for connection, for good cause, including but not limited to the following:

A. Violating any condition of any IDP, permit or other permission to connect;

B. Failing to accurately report the wastewater constituents and characteristics of its discharge;

C. Failing to report significant changes in operations or wastewater constituents and characteristics;

D. Misrepresenting or failing to fully disclose all relevant facts in any application or report;

E. Refusing to allow Inspectors timely access to the Connector's premises and records;

F. Falsifying any self-monitoring reports or certification statements;

G. Tampering with monitoring equipment;

H. Failing to pay any fines, penalties, costs, fees or sewer charges;

I. Failing to comply with any administrative order or meet any compliance schedule;

J. Failing to complete a wastewater survey if requested to do so;

K. Failing to provide advance notice of the transfer of a permitted facility;

L. Discharging wastewater that presents an imminent hazard to the public health, safety or welfare, or to the local environment;

M. Violating any Pretreatment Standard

N. Violating any other requirement of this Ordinance or any applicable State or Federal law; or

O. Other good cause.

Section 16.388: EMERGENCY SUSPENSIONS

The City may immediately suspend a Connector's or Industrial User's discharge subsequent to informal notice to the Connector, whenever such suspension is necessary to terminate an actual or threatened discharge that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of City personnel or the public, or an imminent or substantial damage the POTW or the environment.

A. Any Connector notified of a suspension of its discharge shall immediately terminate or eliminate its wastewater discharge. In the event of a Connector's failure to immediately comply voluntarily with the suspension order, the City may implement such steps as deemed necessary, including immediate severance of the sewer connection and entry on private property to halt such discharge.

B. The City may require such documentation, sampling and other action as it deems necessary from any Connector whose service has been suspended to evaluate when and if reconnection and wastewater discharges may resume.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

Section 16.389: RECOVERY OF EXPENSES

Any person or Connector violating any of the provisions of this Ordinance shall be liable to the City for any expense, loss, or damage incurred by reason of such violation, including without limitation any sampling or testing costs, any labor and material costs to prevent or repair damage to the POTW and any expenses associated with disconnection and reconnection of any service. The City may refuse to permit the restoration of any connection or of any new connection to the property until all costs, expenses, loss or damage is paid in full.

Section 16.390 - 16.395: RESERVED

DIVISION 11—JUDICIAL ENFORCEMENT REMEDIES

Section 16.396: INJUNCTIVE RELIEF

When the City determines that any person or Connector has violated, or continues to violate, any provision of this Ordinance, an IDP, or order issued pursuant to this Ordinance, or any other Pretreatment Standard or requirement, the City may petition any court with jurisdiction for any form of injunctive relief as may be appropriate to effectuate enforcement and implement the purposes of this Ordinance. Legal action for injunctive relief shall not be a bar against, or a prerequisite for, implementing any other action against a person or Connector.

Section 16.397: CIVIL PENALTIES

A. Any person or Connector who has violated, or continues to violate, any provision of this Ordinance, an IDP, or order issued hereunder, or any other Pretreatment Standard or requirement shall be liable to the City for a maximum civil penalty of up to $10,000 per violation, per day, plus actual damages incurred by the POTW or such greater amount as may be allowed by State law. Penalties shall accrue for each day during the period of the violation.

B. The City may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

C. In determining the amount of civil liability, the Court shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the Connector's violation, corrective actions implemented by the Connector, the compliance history of the Connector, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, implementing any other action against a person or Connector.

Section 16.398: CRIMINAL PROSECUTION

The City shall have all criminal penalties available under State law including without limitation for the unlawful Interference and destruction of POTW infrastructure, false swearing of any reports or records submitted to the City and unsworn false statements of any kind upon which the City may rely in carrying out this Ordinance.

Section 16.399: REMEDIES NONEXCLUSIVE

The remedies provided for in this Ordinance are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant person or Connector.

Section 16.400: RESERVED

DIVISION 12—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

Section 16.401: UPSET

A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with Pretreatment Standards due to factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with Pretreatment Standards if the requirements of paragraph (C), below, are met.

C. A User who intends to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the User can identify the cause(s) of the upset;

2. At the time of the upset, the facility was being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

3. The User has submitted the following information to the City within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submittal shall be provided within five (5) days):

   a. A description of the discharge and cause of noncompliance;

   b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

   c. Action being implemented and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Pretreatment Standards.

F. A User shall control production of all discharges to the extent necessary to maintain compliance with Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

Section 16.402: PROHIBITED DISCHARGE STANDARDS

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in paragraph 16.314(A) of this Ordinance or the specific prohibitions in paragraph 16.314 (B) of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

A. A local limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or

B. No local limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable biosolids use or disposal requirements.

Section 16.403: BYPASS

A. For the purposes of this section,

1. "Bypass" means the intentional diversion of waste streams from any portion of a User's treatment facility.

2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A User may allow any bypass to occur that does not cause Pretreatment Standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.

C. Notifications for bypass events:

1. If a User is aware in advance of the need for a bypass, the User shall submit prior notice to the City, at least ten (10) days before the date of the bypass, if possible.

2. A User shall submit oral notice to the City of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time the User becomes aware of the bypass. A written submittal shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submittal shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps implemented or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The City may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Bypass is prohibited, and the City may initiate enforcement action against a User for a bypass, unless

1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

3. The User submitted notices as required under paragraph (C) of this section.

E. The City may approve an anticipated bypass, subsequent to considering its adverse effects, if the City determines that it will satisfy the three conditions listed in paragraph (D) of this section.

Section 16.404 – 16.405: RESERVED

DIVISION 13—SEPTAGE DISPOSAL

Section 16.406: SEPTIC TANK WASTE (SEPTAGE)

The POTW may designate a receiving structure for the acceptance of Septage and establish procedures for its receipt. If the POTW accepts Septage the following shall apply:

A. The City shall have authority to refuse or limit the disposal of any hauled waste for any reason including but not limited to potential Interference with the operation of the POTW and potential violation the National Pollutant Discharge Elimination System (NPDES) permit.

B. Any Hauler seeking to dispose of Septage shall maintain and provide to the City any permit required by NH RSA 485-A. Upon renewal or revocation of such a permit, the Hauler shall be responsible for notification of such renewal or revocation to the City.

C. Haulers shall provide all information requested by the City.

D. The City may require Hauler to provide a waste analysis of any load prior to discharge.

E. The City may collect samples of each hauled load.

The discharge of Industrial Wastes as "industrial Septage" is prohibited.

Section 16.407: RESERVED

DIVISION 14—SEWER USE RATES AND FEES

Section 16.408: RATES AND FEES

Rates for sewer usage, the Capacity Use Multiplier, and fees for all permits, sampling, monitoring, testing and other activities arising from the requirements of this Ordinance shall be governed by City Ordinance Chapter 1 Article XVI. Without limitation, fees may be assessed for:

A. Applications, permits and connections required by this ordinance including Sewer Connection, Irrigation Meters, Drain Layer Permits, Fats, Oils, and Grease Program Permitting (Grease Interceptors/Grease Traps), Septage Disposal and the Industrial Pretreatment Program;
B. Inspections, monitoring, testing and analysis that may be required to ensure compliance

with this Ordinance; and

C. Reviewing and responding to late filings, accidental discharges and other administrative costs due to non-compliance.

Sewer user charges shall be based upon water use whenever possible. No allowance shall be made for watering lawns or watering gardens, except for users who have installed at their cost an irrigation system as may be allowed under section 16.409 and a second water meter, meeting City specifications intended to measure water use which is reasonably calculated not to be discharged into the sewer system. Where such second meters have been installed, a separate account will be established and no sewer charges will be applied to this usage. A monthly service fee shall be charged for each irrigation meter in addition to the consumption charge, said fee to be determined by the City Council during its annual budget process.

Section 16.409: IRRIGATION METERS

Users of the City of Portsmouth's water system may request a permit for the installation of an irrigation system and irrigation meter. An application shall be completed and submitted to the Water Department for the installation of an irrigation system and irrigation meter prior to the issuance of an irrigation permit. The Water Department may deny the issuance of a permit for an irrigation system or irrigation meter when the existing water main does not provide sufficient water volume/pressure to support the demands of an irrigation system without causing unacceptably low water pressure for other customers on the same water main.

Irrigation service lines and meters shall be installed not more than four feet from the prime meter and shall be installed parallel to the prime meter. Sewer charges shall not apply to water amounts measured by irrigation meters. Shut off valves are required ahead and behind the irrigation meter and shall be within one foot of the meter. A back flow preventer (approved by the City) to protect against contamination of the water system shall be installed behind the irrigation meter.

Only a landscape irrigation system designed and installed by an Environmental Protection Agency WaterSense Certified Irrigator in accordance with the criteria set forth in this section shall be deemed to be in compliance with subparagraph (a) of this section. The Certified Irrigator shall certify in writing to the Water Division that the landscape irrigation system has been designed and installed in accordance with subparagraph (a) of this section. This certification shall be provided to the Water Division at the time of requesting final inspection of the system.

A. Automatic irrigation systems shall:

1. Be maintained in compliance with the provisions of this section;
2. Be rendered inoperative by or at the direction of the irrigation system owner or operator pending repairs if damaged in a manner that results in leakage or excessive discharge of water from broken components;
3. Include rain sensors to be installed and maintained on all irrigation systems equipped with automatic irrigation controllers and set to render the irrigation system inoperative at ¼ inch of moisture or more;

4. Include freeze sensors to be installed and maintained on all irrigation systems equipped with automatic irrigation controllers, which will render the system inoperative at 35 degrees Fahrenheit or higher lower;
5. Be designed so that spray or rotary heads are at least four (4) inches inside from any curbing, sidewalk, fencing, or building;
6. Be designed so that heads spray only towards pervious surface or landscaped area;
7. Be designed to include a zonal irrigation system; and
8. Be designed to include a master valve.

B. Operation of irrigation systems or devices:

From April 1 to September 30, landscape irrigation utilizing water, in whole or in part, obtained from the City water system, is prohibited except during the times between 6:00 p.m. and 10:00 a.m. The City Manager, or designee, may further restrict landscape irrigation to specified days of the week or otherwise restrict the irrigation schedule as circumstances dictate.

Section 16.410: BILLING AND OTHER METERS

A. If records of metered water use are not available or do not reasonably reflect the quantity of waste discharged into the POTW, the sewer user charge shall be based upon estimated water use or on actual measurement of the volume of waste discharged into the sewer system. Sewer surcharges shall be levied upon users whose waste characteristics are found to be above normal strength.

B. Owners of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes situated within the City who are required to be connected to the public sewer pursuant to this Ordinance, and not connected into a public sewer, shall pay sewer user charges as if connected to a public sewer.

C. In the event that the owner or owners of a business which is commercial or industrial can clearly define and separate a portion of the potable water entering the business establishment which is totally consumed in process, the owner or owners may, at their own expense, install and maintain an A.W.W.A. approved water meter in the line supplying the portion of the water consumed in process. This meter shall be considered to be a deduct meter; the volume of water flowing through the deduct meter shall be subtracted from the volume measured by the primary water metering device located on the premises for the purpose of computing the sewer fee charge.

Section 16.411-12: RESERVED

DIVISION 15—MISCELLANEOUS

Section 16.413: VALIDITY

The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts.

Section 16.414: LIMITS OF LIABILITY

Neither the issuance of a permit nor the acceptance of any sewer construction by any City official or employee shall be construed as acceptance of any liability by the City or any of its employees for claims which may arise due to errors, oversights, inferior material, poor workmanship, or damages incurred in connection with construction of any Building Sewer or private Sewage disposal systems as may be required in this Ordinance.

Section 16.415: INTERPRETATION

The provisions of this Ordinance with respect to the meaning of technical terms and phrases, the classification of different types of sewers, the regulations with respect to installing or constructing connections to sewers or drains, and other technical matters shall be interpreted and administered by the Director.

Section 16.416: APPEALS

Any person or Connector aggrieved by a decision or action of the Director under this Ordinance, may appeal that decision within thirty (30) calendar days to the City Manager by submitting a request in writing to the City Manager's office setting forth the decision or action which is being appealed and a summary of the grounds for appeal. The City Manager may make such inquiries and enlist the opinions of the aggrieved person, City staff, in-house or outside legal counsel, third-party wastewater engineers or any other person deemed helpful to the consideration of the appeal. A written decision will be issued within sixty (60) days of the appeal unless extended by mutual agreement.

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

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

This ordinance shall take effect 90 days after its passage.

APPROVED:

_____
Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

_____
Sally Kellar, City Clerk

APPENDICES

Appendix I – Maximum Allowable Industrial Mass Loading Limitations / Local Limits

Friends of Lafayette House

September 30, 2026

The Portsmouth City Council
c/o City Attorney
Legal Department
Portsmouth City Hall
1 Jenkins Ave
Portsmouth, NH 03801

RE: Friends of Lafayette House
413 Lafayette Rd.
Portsmouth, NH 03801
Tax Map 230-23A

Dear Rosann Lentz, and City Councilors.

Please accept this letter in regard to our tax assessment status and the application of the statute, NHRSA 72-23-k ″Charitable, Non-profit Housing Projects″. We are a HUD funded facility, so this specific statute applies.

Friends of Lafayette House is offering again this year to pay in lieu of taxes as follows:

Friends of Lafayette House will pay annually $3,500.00. We feel this is a reasonable amount to recognize City services and to recognize the important charitable work that the Friends of Lafayette House does with its limited funding.

We hope you will agree to this proposal and we look forward to your response.

The City′s acceptance again this year would be very much appreciated

Sincerely,

Rene Sullivan

Rene Sullivan
Executive Director
Friends of Lafayette House

Cc: Rosann Maurice-Lentz, City Assessor

PAYMENT IN LIEU OF PROPERTY TAX AGREEMENT BETWEEN THE CITY OF PORTSMOUTH AND FRIENDS OF LAFAYETTE HOUSE (PILOT)

This Agreement is made as of this _____ day of October, 2026, pursuant to NH RSA 72:23-k, by and between the FRIENDS OF LAFAYETT HOUSE, having a place of business at 413 Lafayette Road, Portsmouth, New Hampshire 03801, and the CITY OF PORTSMOUTH, a municipal corporation established under the laws of the State of New Hampshire (the "CITY"), having a place of business at 1 Junkins Ave., Portsmouth, New Hampshire 03801.

RECITALS

A. FRIENDS OF LAFAYETTE HOUSE is a New Hampshire non-profit organization dedicated to supporting Lafayette House, a group home for the developmentally disabled, located at 413 Lafayette Road, Portsmouth, New Hampshire 03801 (the "Property").

B. Lafayette House is a group home for the developmentally disabled, with 12 residents, 13 bedrooms, 8 bathrooms, a kitchen, living room and dining room.

C. Lafayette House is supported by FRIENDS OF LAFAYETTE HOUSE, a tax-exempt charitable non-profit under Section 501(c)(3) of the Internal Revenue Code. The income and profits of Friends of Lafayette House are used solely for community housing purposes.

D. RSA 72:23-k defines the property to which the Charitable, Non-Profit Housing Project property tax exemption applies and is supplemented by N.H. Code of Administrative Rules Part Rev 423.

E. The CITY recognizes that as presently constituted the LAFAYETTE HOUSE/the Property satisfies the requirements of these laws and is therefore entitled to a property tax exemption pursuant to RSA 72:23-k.

F. Pursuant to RSA 72:23-k, II, the FRIENDS OF LAFAYETTE HOUSE shall make a payment in lieu of taxes in the amount of $3,500.

G. The CITY is willing to recognize and grant to THE FRIENDS OF LAFAYETTE HOUSE an exemption from taxation and accept a payment in lieu of taxes by THE FRIENDS OF LAFAYETTE HOUSE, as set forth in this Agreement based on the current ownership and current use of Property.

WHEREFORE, based upon the mutual covenants and promises contained herein, and for other good and valuable consideration which the parties acknowledge, THE FRIENDS OF LAFAYETTE HOUSE and the CITY agree as follows:

1. **Tax Exempt Status**. The CITY recognizes, agrees, and grants to THE FRIENDS OF LAFAYETTE HOUSE that the Property and all improvements located thereon, are currently exempt from taxation under the provisions of RSA 72:23-k based on the current ownership and current use of Property.
2. **Payment in Lieu of Taxes (PILOT).**
   (a) Commencing on the execution of this agreement, THE FRIENDS OF LAFAYETTE HOUSE shall be obligated to pay the CITY, in lieu of taxes, $3,500.
   (b) The PILOT payment shall be payable no later than December 1, 2026.
   (c) THE FRIENDS OF LAFAYETTE HOUSE shall provide the CITY annually, contemporaneously with payment of the PILOT, an accounting that indicates the detailed calculation of their annual profits and the payment in lieu of taxes.
   (d) This agreement shall be effective from its date of commencement until and including payment due on December 1, 2026, as long as THE FRIENDS OF LAFAYETTE HOUSE remains exempt from payment of property taxes under RSA 72:23-k, I & II.
   (e) Nothing in this Agreement shall prevent THE FRIENDS OF LAFAYETTE HOUSE from challenging the CITY's assessment of the real estate or the improvements in accordance with applicable law.
   (f) If the method of calculating the CITY's tax under RSA 72 is changed, the parties agree to enter into good faith negotiations to amend this Agreement.
3. **Lease of Property by THE FRIENDS OF LAFAYETTE HOUSE to Nonexempt Person or Entity.** In the event that all or a portion of the Property is leased by THE FRIENDS OF LAFAYETTE HOUSE to a person or entity which is not exempt from taxation, such person or entity shall pay taxes on such portion determined by multiplying the tax derived from application of the full tax rate to the assessed value of the Property by a fraction, the numerator of which shall be total square footage of the building constructed on the property (including the tenant's portion of common areas, if any) leased to such

person or entity, and the denominator of which shall be to the total square footage of the building constructed on the Property.

4. **Termination.** Either party may terminate or renegotiate this Agreement by a written instrument agreed to by the parties prior to the December 1, 2026 payment date. If the Property is sold or otherwise disposed of by THE FRIENDS OF LAFAYETTE HOUSE, this Agreement shall terminate on the date of execution of such sale or disposition. If the current use of Property is altered and/or ceases, the CITY may terminate this Agreement at its discretion.
5. **Binding Effect**. This Agreement constitutes the binding agreement of the CITY and THE FRIENDS OF LAFAYETTE HOUSE, and their respective successors and assigns. This Agreement may be modified only by a written instrument agreed to by the parties.
6. **Representation of Authority.**
   (a) THE FRIENDS OF LAFAYETTE HOUSE represents and warrants that this Agreement is binding upon execution of this Agreement by its duly authorized member.
   (b) The CITY represents and warrants that this Agreement is binding upon execution by the City Manager of the City after an authorizing vote of the Portsmouth City Council.
7. **Applicable Law.** This Agreement shall be construed and interpreted in accordance with the laws of the State of New Hampshire. The parties consent to the jurisdiction of the Rockingham County Superior Court to resolve any dispute hereunder.
8. **Entire Agreement.** This Agreement constitutes the entire agreement of the CITY and THE FRIENDS OF LAFAYETTE HOUSE regarding the tax-exempt status of THE FRIENDS OF LAFAYETTE HOUSE and the payment in lieu of taxes regarding the Property located at 413 Lafayette Road, Portsmouth, New Hampshire.

Authorization for the City Manager to enter into this Agreement was given by the City Council on October 26, 2026.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and date first above written.

CITY OF PORTSMOUTH

_____ By:_____
Witness Karen S. Conard
City Manager
Duly Authorized

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

The foregoing instrument was acknowledged before me this _____ day of _____, 2026 by Karen S. Conard, City Manager for the City of Portsmouth, New Hampshire, on behalf of the City.

_____
Notary Public
My Commission Expires

THE FRIENDS OF LAFAYETTE HOUSE

_____ By:_____
Witness Rene Sullivan
Duly Authorized

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

The foregoing instrument was acknowledged before me this _____ day of _____ 2026, by Rene Sullivan, Executive Director, on behalf of THE FRIENDS OF LAFAYETTE HOUSE.

_____
Notary Public
My Commission Expires:

PORTSMOUTH HOUSING

THE PORTSMOUTH HOUSING AUTHORITY
& PHA HOUSING DEVELOPMENT LTD.
603-436-4310 | PORTHOUSING.ORG

October 5, 2026

Rosann Maurice-Lentz
City Assessor
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Re: Request for 2026 Payment in Lieu of Taxes Agreement

Dear Ms. Maurice-Lentz:

Portsmouth Housing Authority serves as the management agent for Betty's Dream Foundation and is coordinating the annual payment in lieu of taxes process on the Foundation's behalf.

On behalf of Betty's Dream Foundation, Portsmouth Housing Authority respectfully requests that the City of Portsmouth approve a payment in lieu of taxes agreement for the property located at 75 Longmeadow Lane, Portsmouth, New Hampshire, pursuant to RSA 72:23-k.

Betty's Dream Foundation requests that the payment in lieu of taxes due December 1, 2026 remain at $3,000, consistent with the amount accepted by the City in the prior year. A proposed agreement reflecting the requested amount is enclosed for the City's review.

Thank you for your consideration. Please let me know if the City or its legal department requires any revisions or additional information.

Sincerely,

Valerie Labrie

Valerie A. Labrie
Finance Director
Portsmouth Housing Authority
Management Agent for Betty's Dream Foundation

Enclosure: Proposed FY27 Payment in Lieu of Property Tax Agreement

PAYMENT IN LIEU OF PROPERTY TAX AGREEMENT BETWEEN THE CITY OF PORTSMOUTH AND BETTY'S DREAM FOUNDATION (PILOT)

This Agreement is made as of this _____ day of October, 2026, pursuant to NH RSA 72:23-k, by and between **BETTY'S DREAM FOUNDATION**, having a place of business at 75 Longmeadow Lane, Portsmouth, New Hampshire 03801, and the **CITY OF PORTSMOUTH**, a municipal corporation established under the laws of the State of New Hampshire (the "CITY"), having a place of business at 1 Junkins Avenue, Portsmouth, New Hampshire 03801.

RECITALS

A. BETTY'S DREAM FOUNDATION is a New Hampshire nonprofit organization that supports a group home for low-income and disabled individuals located at 75 Longmeadow Lane, Portsmouth, New Hampshire 03801 (the "Property").

B. Betty's Dream is a group home for persons with developmental disabilities, with 24 fully accessible apartments and a community room, kitchen, and recreation room.

C. Betty's Dream is supported by BETTY'S DREAM FOUNDATION, a tax-exempt charitable nonprofit under Section 501(c)(3) of the Internal Revenue Code. The income and profits of BETTY'S DREAM FOUNDATION are used solely for community housing purposes.

D. RSA 72:23-k defines the property to which the charitable, nonprofit housing project property tax exemption applies and is supplemented by the New Hampshire Code of Administrative Rules.

E. The CITY recognizes that, as presently constituted, BETTY'S DREAM and the Property satisfy the requirements of these laws and are therefore entitled to a property tax exemption pursuant to RSA 72:23-k.

F. Pursuant to RSA 72:23-k, II, BETTY'S DREAM FOUNDATION shall make a payment in lieu of taxes in the amount of $3,000 for the payment due December 1, 2026.

G. The CITY is willing to recognize and grant to BETTY'S DREAM FOUNDATION an exemption from taxation and accept a payment in lieu of taxes by BETTY'S DREAM FOUNDATION, as set forth in this Agreement, based on the current ownership and current use of the Property.

WHEREFORE, based upon the mutual covenants and promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, BETTY'S DREAM FOUNDATION and the CITY agree as follows:

1. **Tax-Exempt Status.** The CITY recognizes and agrees that the Property and all improvements located thereon are currently exempt from taxation under RSA 72:23-k based on the current ownership and current use of the Property.

2. **Payment in Lieu of Taxes.**

   (a) Upon execution of this Agreement, BETTY'S DREAM FOUNDATION shall be obligated to pay the CITY $3,000 in lieu of taxes.

   (b) The payment in lieu of taxes shall be payable on or before December 1, 2026.

   (c) BETTY'S DREAM FOUNDATION shall provide the CITY annually with an accounting that indicates the detailed calculation supporting the payment in lieu of taxes.

   (d) This Agreement shall be effective from its date of commencement through and including the payment due December 1, 2026, so long as BETTY'S DREAM FOUNDATION remains exempt from property taxation under RSA 72:23-k, I and II.

   (e) Nothing in this Agreement shall prevent BETTY'S DREAM FOUNDATION from challenging the CITY's assessment of the real estate or improvements in accordance with applicable law.

3. **Termination.** Either party may terminate or renegotiate this Agreement by a written instrument agreed to by the parties prior to the December 1, 2026 payment date. If the Property is sold or otherwise disposed of by BETTY'S DREAM FOUNDATION, this Agreement shall terminate on the date of that sale or disposition. If the current use of the Property is altered or ceases, the CITY may terminate this Agreement at its discretion.

4. **Binding Effect.** This Agreement constitutes the binding agreement of the CITY and BETTY'S DREAM FOUNDATION and their respective successors and assigns. This Agreement may be modified only by a written instrument agreed to by the parties.

5. **Representation of Authority.**

   (a) BETTY'S DREAM FOUNDATION represents and warrants that this Agreement is binding upon execution by its duly authorized representative.

   (b) The CITY represents and warrants that this Agreement is binding upon execution by the City Manager after an authorizing vote of the Portsmouth City Council.

6. **Applicable Law.** This Agreement shall be construed and interpreted in accordance with the laws of the State of New Hampshire. The parties consent to the jurisdiction of the Rockingham County Superior Court to resolve any dispute arising under this Agreement.

7. **Entire Agreement.** This Agreement constitutes the entire agreement of the CITY and BETTY'S DREAM FOUNDATION regarding the tax-exempt status of BETTY'S DREAM FOUNDATION and the payment in lieu of taxes for the Property located at 75 Longmeadow Lane, Portsmouth, New Hampshire.

Authorization for the City Manager to enter into this Agreement was given by the City Council on October 26, 2026.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and date first written above.

CITY OF PORTSMOUTH

By: _____
Karen S. Conard
City Manager
Duly Authorized

_____
Witness

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

The foregoing instrument was acknowledged before me this _____ day of _____, 2026 by _____, on behalf of CITY OF PORTSMOUTH.

_____
Notary Public
My Commission Expires: _____

BETTY'S DREAM FOUNDATION

By: _____
Curtis Hermann, Chair
Board of Directors

_____
Witness

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

The foregoing instrument was acknowledged before me this _____ day of _____, 2026 by _____, on behalf of BETTY'S DREAM FOUNDATION.

_____
Notary Public
My Commission Expires: _____

City of Portsmouth

Planning & Sustainability

Memorandum

TO: Karen Conard, City Manager

FROM: Peter Stith, AICP, Assistant Planning Director

DATE: October 19, 2026

SUBJECT: Planning Board recommendation regarding licenses and a sidewalk easement for 361 Hanover Street

On August 28, 2025, the Planning Board granted site plan and subdivision approval for four new residential buildings and the conversion of the existing building to residential use. As part of that approval, the Planning Board recommended that the City accept an easement for the portion of the City sidewalk located on the property. The Public Works and Planning Departments recommend accepting the sidewalk easement, and the Legal Department has reviewed the easement as to form.

In addition to the sidewalk easement, the applicant has requested approval of a landscape and maintenance license over portions of City-owned property adjacent to the redevelopment project, as well as a license for the installation of utility infrastructure associated with a new Eversource transformer. The request was referred to the Planning Board for a recommendation.

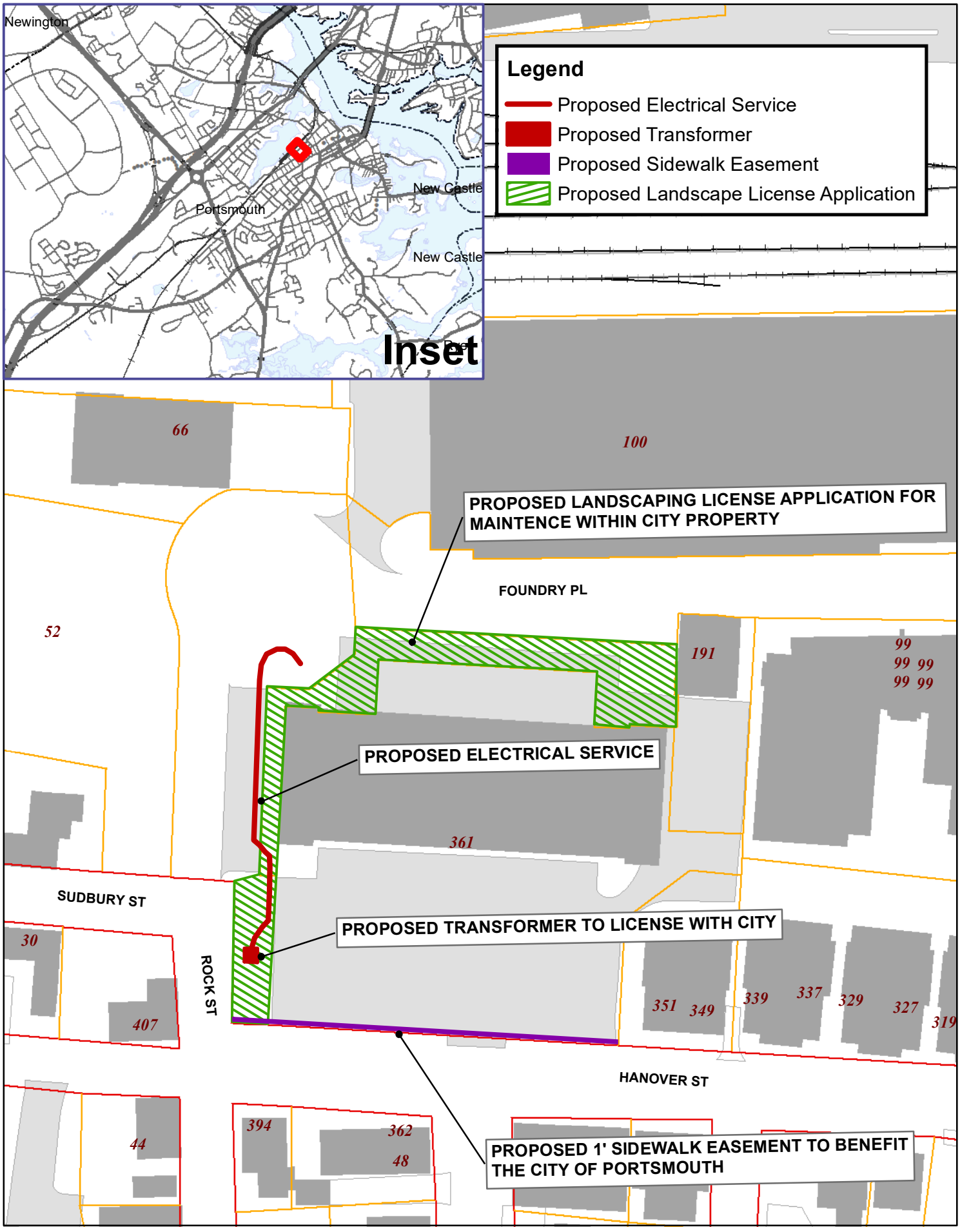
The sidewalk easement, landscape license, and pole license are each shown on the depiction included in the agenda packet.

The Department of Public Works and the Legal Department reviewed the proposal and recommended that the City grant: (1) a 50-year landscape and maintenance license for designated City-owned areas adjacent to the project; and (2) a pole license authorizing Eversource to install and maintain a pad-mounted transformer and associated conduit on City-owned property to serve the development. Under the proposed landscape license, the property owner would beautify and maintain the licensed areas and maintain the existing retaining wall on the landlocked portion of the site. In exchange for receiving the landscape license, the property owner would also be responsible for replacing the retaining wall when required, based on an assessment by a licensed professional engineer.

At its October 15, 2026 meeting, the Planning Board voted unanimously to recommend that the City Council approve the landscape and pole licenses, subject to the recommendations in the Department of Public Works' October 7, 2026 memorandum and the two modifications described below.

1. Amend the second bullet under Item 1 to require the owner to "**maintain the existing retaining wall during the license period and replace if necessary**."
2. Add the following condition:

   "The City may request at any time an analysis by a licensed professional engineer to assess the lifespan of the wall and the need for replacement at the owner's expense."



361 Hanover Street Proposed Easements and License Applications

Map prepared by Portsmouth Department of Public Works

THE PORTSMOUTH BOARD OF FIRE COMMISSIONERS

And

PORTSMOUTH PROFESSIONAL FIRE OFFICERS ASSOCIATION LOCAL#4039

MEMORANDUM OF AGREEMENT

1. The Portsmouth Board of Fire Commissioners ("the City") and The Portsmouth Professional Fire Officers Association, Local #4039 ("the Union") are currently parties to a collective bargaining agreement that expired on June 30, 2026 ("the CBA"), but the provisions of the CBA are still in effect.

2. The City and the Union hereby agree to allow for a temporary amendment to Section V.4. (Wages, Insurance Benefits, Defense/Indemnification, And Longevity Bonus) of the current CBA to allow for the following:

   - Effective August 17, 2026, Lieutenant Timothy Cole shall be placed at the 24 Months Step of the Lieutenant Salary Schedule.

3. Following initial placement at the 24 Months Step, Lieutenant Timothy Cole shall progress through subsequent Lieutenant pay steps on the normal schedule as set forth in Section V of the CBA, with their next step increases occurring twelve months from his promotion dates.

4. This Agreement is a limited, one-time remedy. It shall not constitute a past practice, bind either Party in any grievance or arbitration proceeding, or serve as precedent for any other employee or any provision in successor contract negotiations.

5. All other provisions of the CBA will remain in effect.

Dated: 10/14/26

Portsmouth Board of Fire Commissioners

Dated: Oct. 15, 2026

Portsmouth Professional Fire Officers Association Local 4039

Approved by City Council _____

City of Portsmouth

Planning & Sustainability

Memorandum

TO: Karen Conard, City Manager

FROM: Peter Stith, AICP, Assistant Planning Director

DATE: October 19, 2026

SUBJECT: Planning Board Recommendation on Cornwall Street

The City Council referred a request to discontinue a portion of Cornwall Street to the Planning Board for review and recommendation.

The proposed discontinuance involves an identified portion of the public right-of-way. During its review, the Planning Board considered the presence of existing municipal infrastructure within the area proposed for discontinuance and the relationship of the affected parcels to the City's tax mapping.

At its October 15, 2026 meeting, the Planning Board voted unanimously to recommend that the City Council approve the discontinuance of the identified portion of Cornwall Street, subject to the following conditions:

1. Recording of a municipal utility easement over the existing sewer line in a form acceptable to the City Attorney.
2. The City Council request a voluntary lot merger to align the parcel boundaries with the configuration shown on the City's tax map.

CITY OF PORTSMOUTH

Legal Department
Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
tmccourt@portsmouthnh.gov
(603) 610-7234

Trevor P. McCourt
Deputy City Attorney

May 19, 2026

Rick Chellman, Chair
Portsmouth Planning Board

VIA EMAIL ONLY

Re: 94 Langdon Street (LU-25-175)
Cornwall Street Right of Way

Dear Chair Chellman:

Introduction

Planning Staff have asked me to review the history of the Cornwall Street right of way extending to the north of McDonough Street. The applicant for the above-cited land use application represents that the City may not have any rights to Cornwall Street north of McDonough Street, and does not have rights to McDonough Street crossing 94 Langdon Street (the "Property") to the railroad. Based on my research, which is described below, I believe that (1) Cornwall Street is a public right of way extending from Islington Street through to the railroad and (2) therefore, in order for the present application to proceed, a formal discontinuance of a portion of Cornwall Street by the City Council is necessary.

The central issue is whether Cornwall Street, as it was created, crosses the Property, and if so, whether it was ever discontinued by the City Council. If not, the right of way bifurcates the parcel as presented, and the current proposal cannot proceed in its present form.

This review was prompted by a review of Note 11 on the Existing Conditions Plan prepared by Haley Ward, which suggests that City action in 1965 may have released rights in the portion of Cornwall Street that previously crossed the property, together with an offer to convey an easement for existing sewer infrastructure in exchange for release of any remaining City rights in that area.

Factual Background

In response to the request of Planning staff, I conducted preliminary research into the history of Cornwall Street. The materials reviewed to date appear to provide substantial evidence that Cornwall Street was dedicated to public use, constructed and therefore accepted by the City, and that no formal discontinuance has been identified for the portion extending north of McDonough Street to the railroad property.

Attached are two plans depicting historical conditions on Cornwall Street. The first is a portion of the subdivision map by which Cornwall Street was dedicated and put to public use. The map is dated 1815 and was recorded at the Rockingham County Registry of Deeds in Book 321, Page 1, on November 10, 1845 (the "1815 Plan"). In relevant part, the plan depicts Cornwall Street extending from the northerly sideline of Islington Street through to the North Mill Pond.

The second attached plan is a right-of-way drawing prepared by the Boston and Maine Railroad Company, dated June 30, 1914 (the "1914 Plan"). Upon information and belief, between the time of the recordation of the 1815 Plan and the 1914 Plan, the railroad took by eminent domain property along the North Mill Pond. The 1914 Plan shows the location of the railroad relative to the North Mill Pond and to Cornwall Street. It indicates that, as of 1914, Cornwall Street extended from the northerly edge of McDonough Street to the edge of what remains railroad property today. The plan also depicts buildings constructed on parcels fronting Cornwall Street north of McDonough Street.

Taken together, these plans appear to show that Cornwall Street was dedicated and laid out from Islington Street to the railroad parcel. I also located materials in the Planning Department's files indicating that, as of July 1965, the Planning and Assessing Departments were unable to identify any City action discontinuing the portion of Cornwall Street north of McDonough Street. Consistent with that information, I reviewed City Council meeting minutes from 1965 and 1966 and did not locate any reference to a discontinuance of Cornwall Street.

Applicable Law

A street may be created either by express act or by implication. Hersh v. Plonski, 156 N.H. 511 (2007). Once public rights of way are established, those rights continue indefinitely unless they are formally discontinued by public action. Blagbrough Family Realty Trust v. A & T Forest Products, Inc., 155 N.H. 29 (2007). Highways cannot be extinguished by adverse possession. Williams v. Babcock, 116 N.H. 819 (1976). Moreover, there is a strong presumption against discontinuance. Davenhall v. Cameron, 116 N.H. 695 (1976). As the Court explained in Davenhall, "highway discontinuance is not favored in the law . . . and the burden is upon the party who asserts discontinuance to prove it by clear and satisfactory evidence." Id. at 697.

Analysis

Applied here, there is evidence that Cornwall Street was dedicated to public use through recordation of the subdivision plan in 1815. There is also evidence of acceptance of the full extent of Cornwall Street, including the portion north of McDonough Street extending at least to the railroad property. Additional support is provided by the public sewer line running beneath Cornwall Street from McDonough Street to the railroad property. The Haley Ward survey notes that this sewer line may be quite old, as it is constructed of brick.

By contrast, no evidence has been identified showing the discontinuance of any portion of Cornwall Street. As noted above, the City records I have reviewed to date would indicate that no discontinuance occurred at least as recently as 1966.

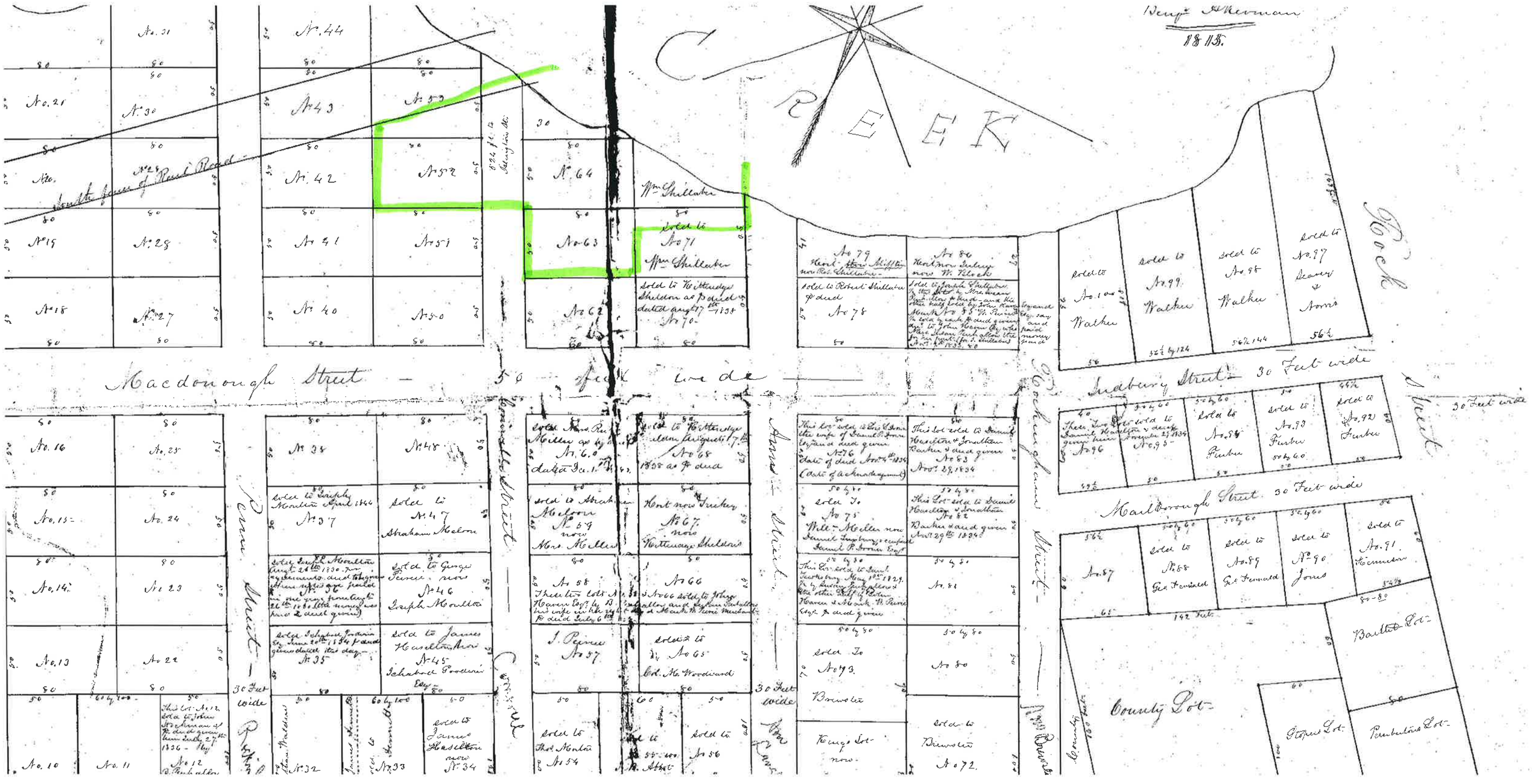
Taken together, this information and legal presumptions described above lead to a presumption that the City still holds a right of way interest in Cornwall Street from Islington Street through to the railroad property. Additional evidence may yet exist, and a discontinuance could still be pursued prospectively if appropriate. At present, however, the applicant bears the burden of proving discontinuance. Accordingly, unless and until competent evidence of discontinuance is presented, the Board should proceed on the basis that public rights in this portion of Cornwall Street may still exist.

If so, the parcel is bifurcated, and the proposal, as currently presented, cannot go forward. Should the applicant wish to pursue the project in that circumstance, the proper course is to seek discontinuance through the required public process, including notice to abutters, a public hearing, Planning Board recommendation, and City Council action.

Sincerely,

Trevor P. McCourt
Deputy City Attorney

cc: Peter Pritz, Director of Planning and Sustainability
Peter Stith, Planning Manager



Benj. Akerman
1815.
CREEK
Macdonough Street — 50 feet wide
Indbury Street — 30 Feet wide
Marlborough Street 30 Feet wide
Rock Street
Penn Street
Cornwall Street
Ann Street
Rockingham Street
County Lot
Bartlett Lot
Stopers Lot
Pembertons Lot
South fence of Rail Road
Wm Shillaber
Wm Shillaber
Sold to Kittredge Sheldon as p deed dated Aug 17th 1838
Sold to Robert Shillaber p deed
Sold to Joseph Shillaber
Sold to Walker
Sold to Walker
Sold to Walker
Sold to No. 97 Seavey & Norris
Sold to No. 100 Walker
Sold to No. 99 Walker
Sold to No. 98 Walker
Sold to No. 96
Sold to No. 95 Furber
Sold to No. 94 Furber
Sold to No. 93 Furber
Sold to No. 92 Furber
Sold to No. 88 Geo. Fernald
Sold to No. 89 Geo. Fernald
Sold to No. 90 Jones
Sold to No. 91 Hermison
Sold to No. 73 Brewster
Sold to Brewster No. 72
Sold to Thos. Morton No. 54
Sold to No. 56
Sold to James Haselton now No. 34
Sold to James Haselton now No. 45 Ichabod Goodwin Esq.
Sold to Joseph Moulton April 1844 No. 37
Sold to No. 47 Abraham Meloon
Sold to George Pierce now No. 46 Joseph Moulton
Sold to Abraham Meloon No. 59 now Mrs. Miller
Sold to Kittredge Sheldon
Sold to No. 68 1838 as p deed
Sold to No. 75 Wm. Miller now Daniel Fuxbury & Daniel P. Brown Esq.
Sold to No. 76 date of deed Nov. 4th 1834 (date of acknowledgment)
Sold to No. 83 Nov. 29 1834
Sold to No. 81
Sold to No. 80
Sold to No. 79 Heirs Mifflin now Rob. Shillaber
Sold to No. 78
Sold to No. 86 Heirs now Julius now W. Klock
Sold to No. 65 Col. M. Woodward
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PORTSMOUTH, N.H.

NORTH MILL POND

BARTLETT ST.

MAPLEWOOD AVE.

JACKSON ST.

VAUGHN ST.

GREEN ST.

MARKET ST.

RUSSELL ST.

DEER ST.

PORTSMOUTH

BRIDGE ST.

PARKER ST.

McDONOUGH ST.

DOVER ST.

SALEM ST.

CABOT ST.

ROCKINGHAM ST.

CORNWALL ST.

LANGDON ST.

BREWSTER ST.

Morrill Mark Face 1.56

Next Sheet

Match Mark For Next Sheet

Garage

Freight House

Station

Engine House

Coal Trestle

Water Station

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	PHYSICAL FEATURES	LAND LINES
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		Aug 1962

RIGHT-OF-WAY AND TRACK MAP

BOSTON AND MAINE R.R.

Operated by the

BOSTON AND MAINE R.R.

STATION 2966 - 2070 TO STATION 3015 - 0

SCALE 1" = 100 FT. JUNE 30, 1943

Office of Valuation Engineer
Boston, Mass.

V.S.N.H.
55

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC
ATTORNEYS AT LAW
127 Parrott Avenue | Portsmouth, NH, 03801
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

August 18, 2026

The Honorable Mayor Deaglan McEachern
Portsmouth City Council
1 Junkins Avenue
Portsmouth, NH 03801

RE: Petition for Discontinuance of Abandoned Portion of Cornwall Street Pursuant to NH RSA 231:43

Dear Mayor McEachern and City Council Members:

This office represents Regan Electric Company, Inc. ("Regan Electric"), owner of real property located at 98 Cornwall Street (Tax Map 139, Lot 1) ("98 Cornwall"). Please accept this submission as Regan Electric's petition pursuant to RSA 231:43 to discontinue the abandoned portion of Cornwall Street, consisting of 2,340 S.F., that crosses 98 Cornwall and ends at land of the Boston and Maine Corporation (the Railroad). In support, Regan Electric states as follows.

Background

Cornwall Street was dedicated in 1845 by the recording of a subdivision plan (dated 1815) and was used as a public street to access residential structures on what is now 98 Cornwall from the late 1800's through the 1930's. As laid out, Cornwall Street ends at the northern property line of 98 Cornwall, where it abuts the Railroad, which was originally the southern shore of the North Mill Pond.

In the 1930's Portsmouth Ice and Coal Co., Inc. ("Portsmouth Ice & Coal") acquired the individual lots making up 98 Cornwall and removed the residential structures and blocked off Cornwall Street and began using 98 Cornwall to distribute ice and coal. In 1951, the Receiver for Portsmouth Ice & Coal sold 98 Cornwall to Charles H. Walker and the property was operated by the C.B. Walker Co. as a coal distribution facility. During the 1950's, the existing coal shed was

DANIEL C. HOEFLE | ALEC L. MCEACHERN | PETER V. DOYLE | MATTHEW J. COWAN
R. TIMOTHY PHOENIX | KEVIN M. BAUM | MONICA F. KIESER | STEPHEN H. ROBERTS In Memoriam
LAWRENCE B. GORMLEY | JACOB J.B. MARVELLEY | CHRISTOPHER P. MULLIGAN | OF COUNSEL:
R. PETER TAYLOR | GREGORY D. ROBBINS | STEPHANIE J. JOHNSON | SAMUEL REID &

extended across the width of Cornwall Street, physically obstructing entry to 98 Cornwall. This coal shed was removed in the late 1970's, leaving a concrete pad and retaining wall in place. In 1980, Charles H. Walker sold 98 Cornwall and after several intervening owners Regan Electric purchased it in 1992.

Cornwell Street has not physically existed on 98 Cornwall for approximately 90 years and there is no visible evidence of it today. Under RSA 229:5, VII, the portion of Cornwall Street located on 98 Cornwall was rendered a Class VI road, based on the City not maintaining and repairing it in suitable condition for travel for a period of 5 successive years or more. The City's tax maps do not show Cornwall Street as being located on 98 Cornwall and Regan Electric has always paid property taxes on the Cornwall Street land located on 98 Cornwall, as if it owned the fee title.

Supporting Exhibits

Based upon our review of relevant title records, Cornwall Street and the surrounding lots were created (and the roadways dedicated) pursuant to a plan entitled "Plan of the Rock Field in the Town of Portsmouth," prepared by Benjamin Akerman, dated 1815, and recorded in the Rockingham County Registry of Deeds as Plan 00562 on November 10, 1845 (the "1815 Plan"). Exhibit 1. The 1815 Plan shows Cornwall Street extending to the shore of Islington Creek, a body of water now known as the North Mill Pond, and the 98 Cornwall property as consisting of approximately seven separate lots. Id. Also attached is a Certified Sanborn Map report showing the history of 98 Cornwall over time from 1887 through 1980 (the "Sanborn Maps"). Exhibit 2. The 1949 Sanborn Map shows that the buildings that had fronted Cornwall Street on the 1920 Sanborn Map had been removed, and the separate lots merged into one parcel, as it exists today, with a coal shed partially obstructing the path of Cornwall Street. Exhibit 2 at p. 5. The title history suggests the section of Cornwall Street located on 98 Cornwall was abandoned between 1930 and 1940 when Portsmouth Ice & Coal acquired ownership of the 98 Cornwall lots, resulting in the configuration shown on the 1949 Sanborn Fire Map (Exhibit 2 at p. 5). After 1949, the Sanborn Maps show Cornwall Street ending at 98 Cornwall's property line, with the coal shed extending across the entire width of Cornwall Street until its removal in the late 1970's. Exhibit 2. Today, the City's Tax Map (Exhibit 3) and GIS Map (Exhibit 4) both show Cornwall Street stopping at 98 Cornwall's property line, rather than continuing through that property to what is now the Railroad, as shown on the 1815 Plan.

The portion of Cornwall Street bisecting Regan Electric's Property cannot be used as a public way in its current condition. Photos of the area indicate that mature trees, shrubs, and other greenery have grown into the untraveled portion of Cornwall Street. (Exhibit 5). In addition, the Draft Street Discontinuance Plan prepared in support of Regan Electric's request shows a chain

link fence and a concrete retaining wall from the old coal shed, spanning across Cornwall Street at 98 Cornwall's property line. (Exhibit 6).

Justification

While Cornwall Street is a Class V road, the portion of Cornwall Street located on 98 Cornwall has not been maintained and repaired by the City of Portsmouth in suitable condition for travel for a period exceeding five years, rendering it a Class VI road pursuant to RSA 229:5, VII. As indicated on the attached exhibits, it is unlikely that this abandoned section of Cornwall Street will ever be improved for use as a public street because it would go nowhere and serve no one. Under RSA 231:43, the unused section of Cornwall Street contained within Regan Electric's Property can be discontinued by City vote. Discontinuance will be consistent with the City's maps, its tax assessments, and Regan Electric's use of its property and will cause no harm or prejudice to the City or its citizens. Any physical extension of Cornwall Street beyond the existing constructed portion would serve no public purpose and no lots require access to this unused portion of Cornwall Street for ingress or egress.

Requested Relief

Regan Electric requests the City Council vote to discontinue the abandoned portion of Cornwall Street located on 98 Cornwall Street, as shown on the Street Discontinuance Plan, subject to the City's continued right to maintain the existing sewer line passing through 98 Cornwall, as expressly provided for in RSA 231:46.

Accordingly, Regan Electric respectfully request that the City Council formally vote to:

a. Release any and all right, title, and interest of the City in and to the abandoned portion of Cornwall Street beginning at an iron rod found at the southeasterly corner of Tax Map 139, Lot 1 thence South 57°02'43" West a distance of 38.92'to an iron rod, thence turning and running North 33°43'00" West a distance of 74.02' to an iron rod, thence turning and running North 42°03'55" East a distance of 30.95' to an iron rod, thence turning and running South 33°43'00" East a distance of 82' to the point of beginning, being a total of 2,340 s.f.; and

b. That any such release be made subject to the retention of a sewer easement for the benefit of the City for any existing public utilities within the released area.[1]

[1] The Street Discontinuance Plan shows a small portion of an existing public sewer line running through the unused portion of Cornwall Street. Regan Electric proposes reservation of a 20' sewer easement to provide the City access to the sewer line for maintenance and repairs.

Please do not hesitate to contact me for any additional information or if anything further is needed to complete the requested release. Thank you for your time and attention to this request.

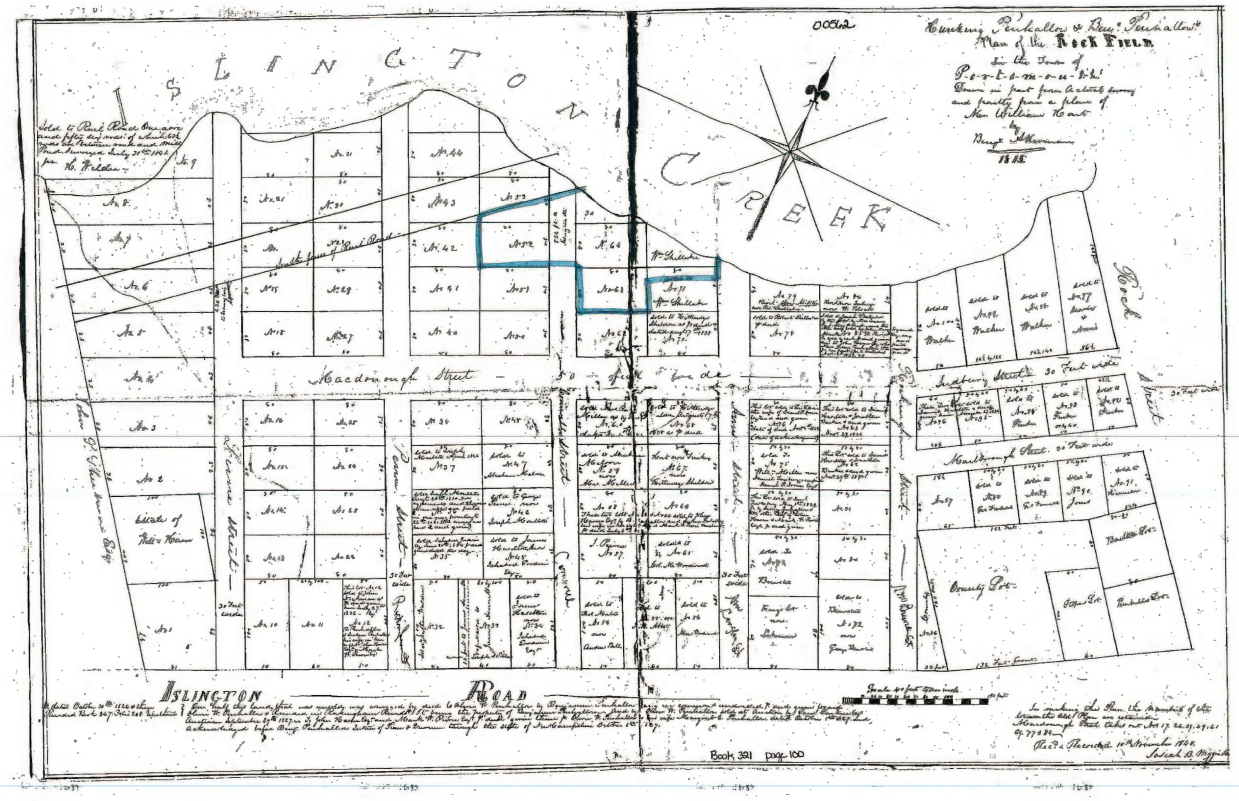
Sincerely,

Stephanie J. Johnson

cc: Regan Electric
Attorney Trevor McCourt

Enclosures: Exhibit 1 – 1815 Plan
Exhibit 2 – Certified Sanborn® Map Report
Exhibit 3 – Tax Map 139
Exhibit 4 – GIS Map
Exhibit 5 – Google Earth Site Photos
Exhibit 6 – Street Discontinuance Plan

EXHIBIT 1



Islington Creek
Islington Road
Macdonough Street
Rock Street
Book 321 page 100

EXHIBIT 2

Regan Electric
94 Langdon Street
Portsmouth, NH 03801

Inquiry Number: 8162072.3
November 04, 2025

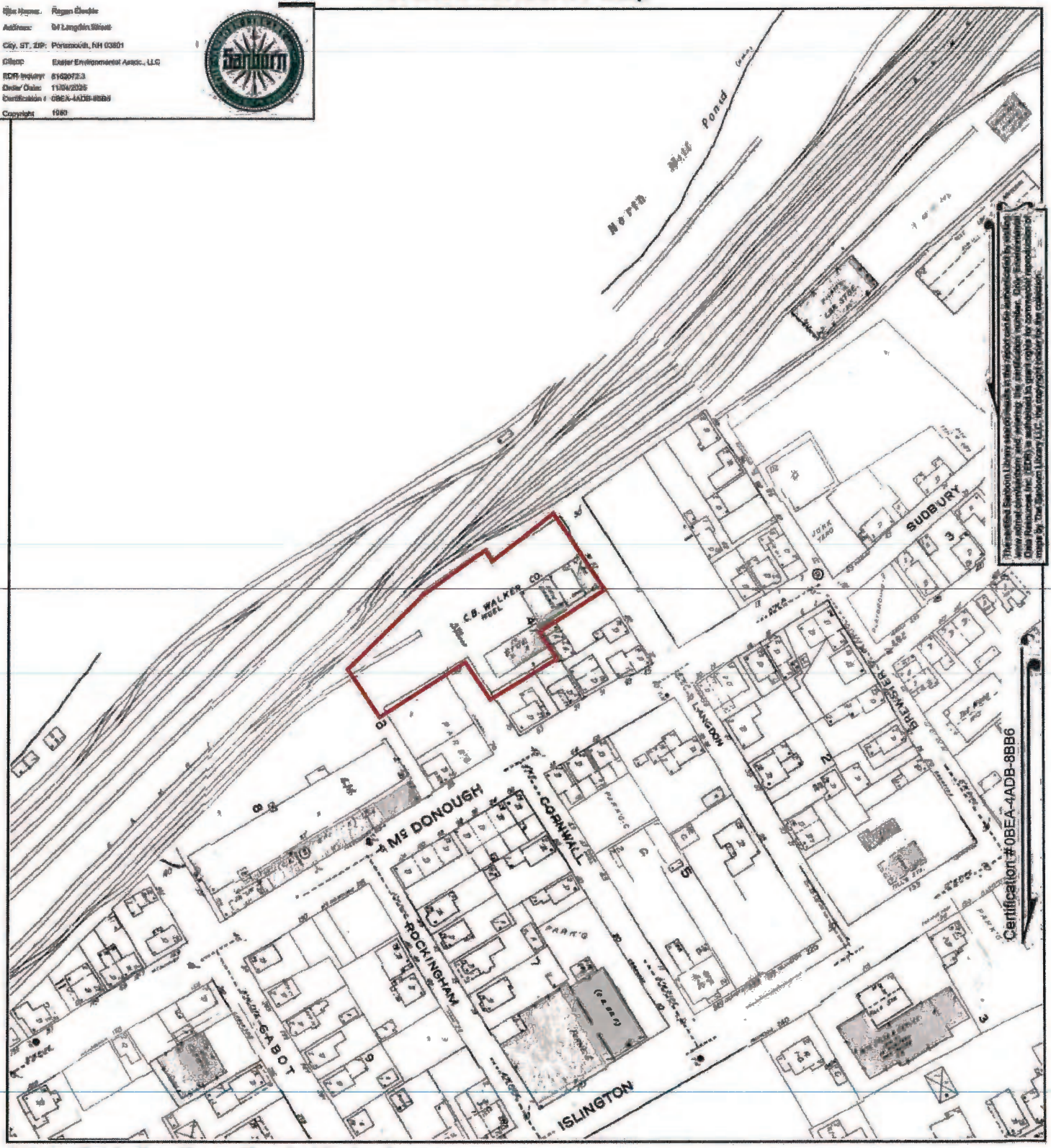
Certified Sanborn® Map Report

6 Armstrong Road, 4th floor
Shelton, CT 06484
Toll Free: 800.352.0050
www.edrnet.com

Certified Sanborn® Map

1980

Site Name: Regan Chrysler
Address: 94 Langdon Street
City, ST, ZIP: Portsmouth, NH 03801
Client: Easter Environmental Assoc., LLC
EDR Inquiry: 8162072.3
Order Date: 11/04/2025
Certification #: 0BEA-4ADB-8BB6
Copyright: 1980



This Certified Sanborn Map combines the following sheets.
Outlined areas indicate map sheets within the collection.

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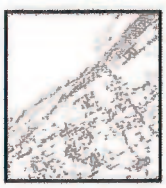


Volume 1, Sheet 5
Volume 1, Sheet 4

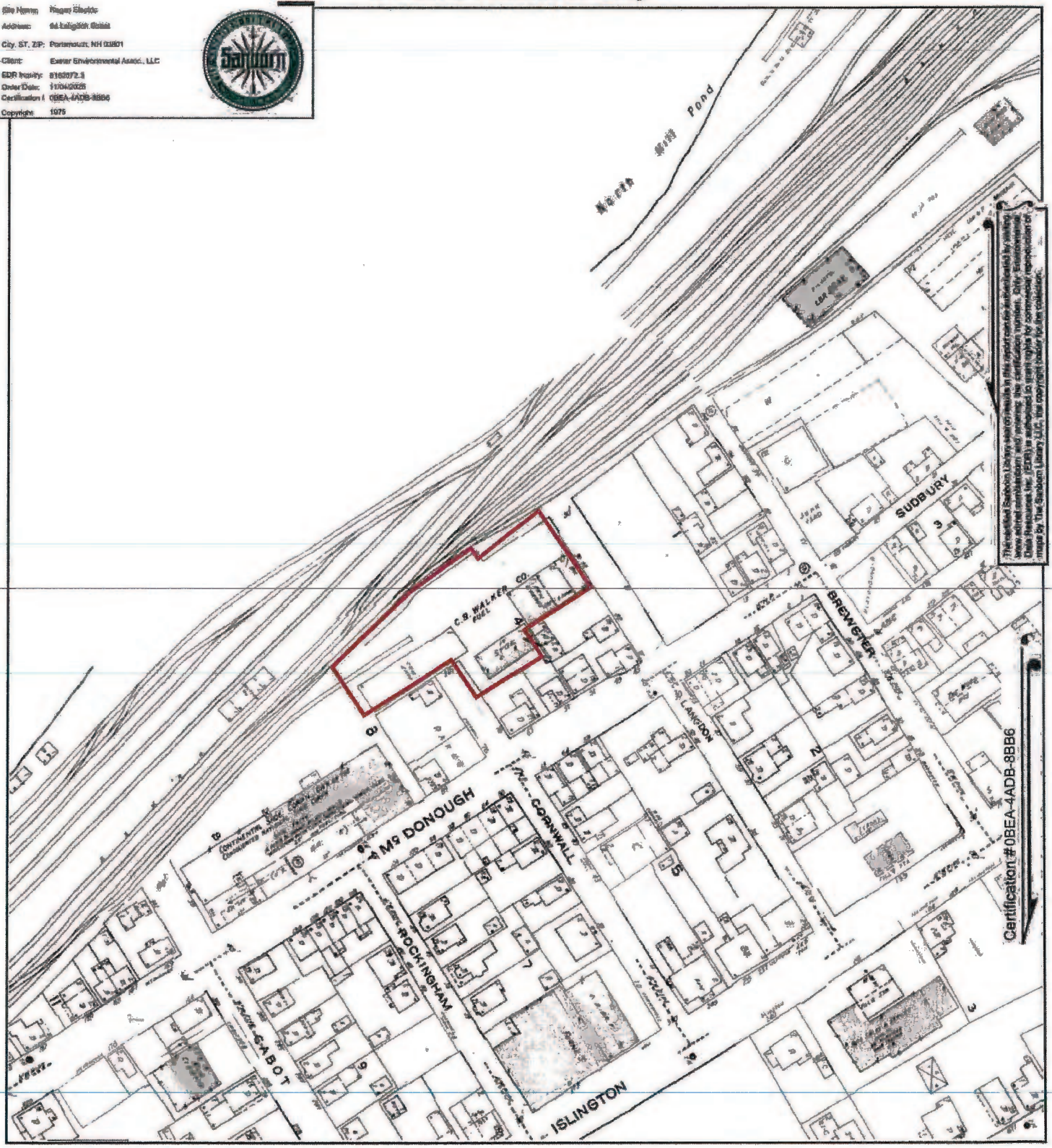
N

8162072 - 3 page 6

Certified Sanborn® Map

1975

Site Name: Regal Electric
Address: 64 Islington Street
City, ST, ZIP: Portsmouth, NH 03801
Client: Exeter Environmental Assoc., LLC
EDR Inquiry: 8162072.3
Order Date: 11/04/2025
Certification #: 0BEA-4ADB-8BB6
Copyright: 1975



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Outlined areas indicate map sheets within the collection.

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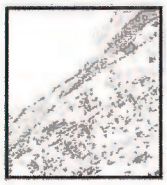

Volume 1, Sheet 4
Volume 1, Sheet 5

N

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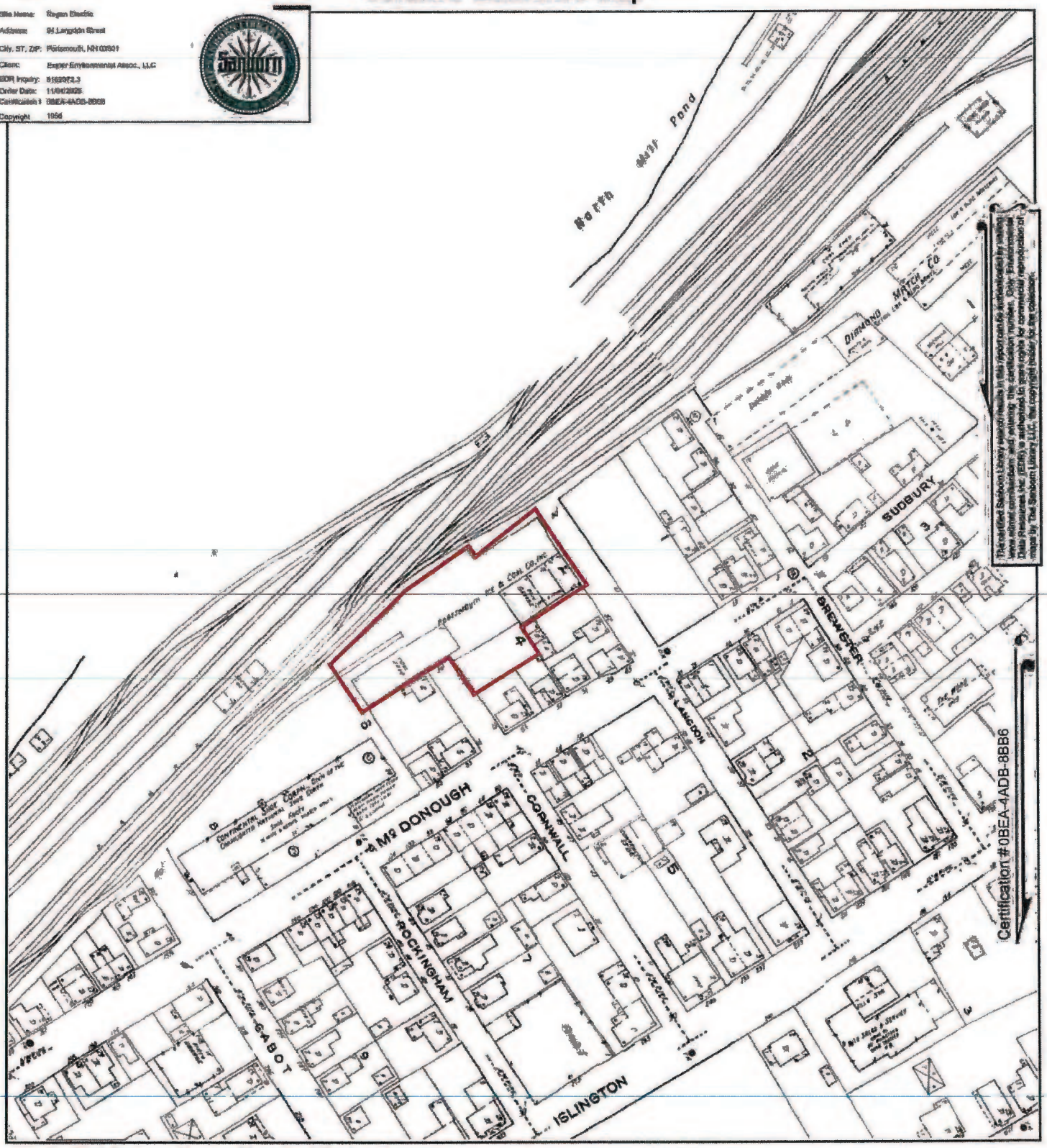
Certified Sanborn® Map

1956

Site Name: Regan Electric
Address: 84 Langdon Street
City, ST, ZIP: Portsmouth, NH 03801
Client: Eagle Environmental Assoc., LLC
EDR Inquiry: 8162072.3
Order Date: 11/04/2025
Certification #: 0BEA-4ADB-8BB6
Copyright: 1956



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Outlined areas indicate map sheets within the collection.

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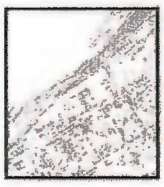


Volume 1, Sheet 5
Volume 1, Sheet 4

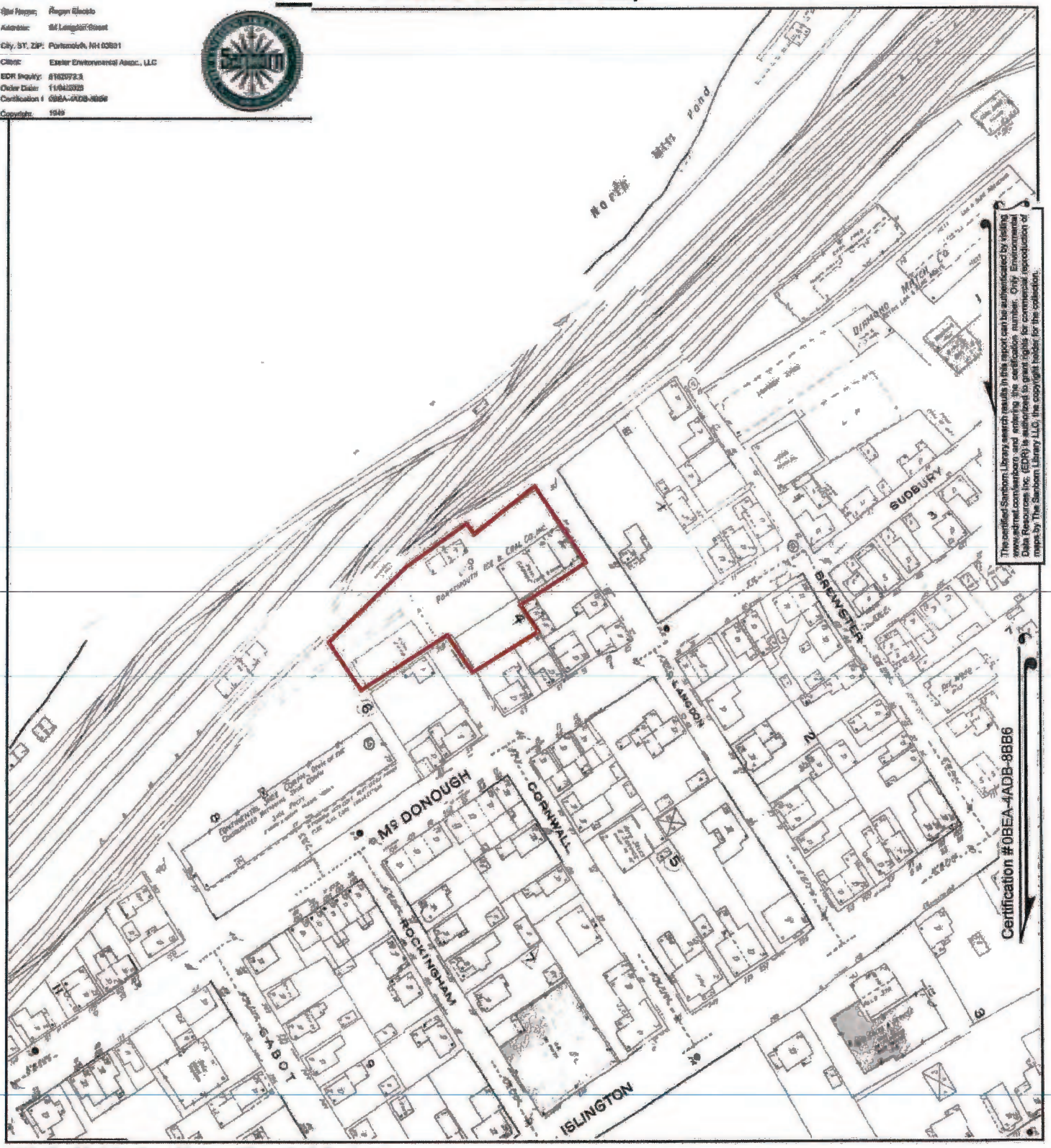
N

8162072 - 3 page 8

Certified Sanborn® Map

1949

Site Name: Regan Electric
Address: 84 Langdon Street
City, ST, ZIP: Portsmouth, NH 03801
Client: Exeter Environmental Assoc., LLC
EDR Inquiry: 8162072.3
Order Date: 11/04/2020
Certification #: 0BEA-4ADB-8BB6
Copyright: 1949



The certified Sanborn Library search results in this report can be authenticated by visiting www.edrnet.com/sanborn and entering the certification number. Only Environmental Data Resources Inc. (EDR) is authorized to grant rights for commercial reproduction of maps by The Sanborn Library LLC, the copyright holder for the collection.

Certification #0BEA-4ADB-8BB6

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Outlined areas indicate map sheets within the collection.

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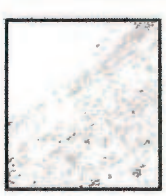


Volume 1, Sheet 4
Volume 1, Sheet 5

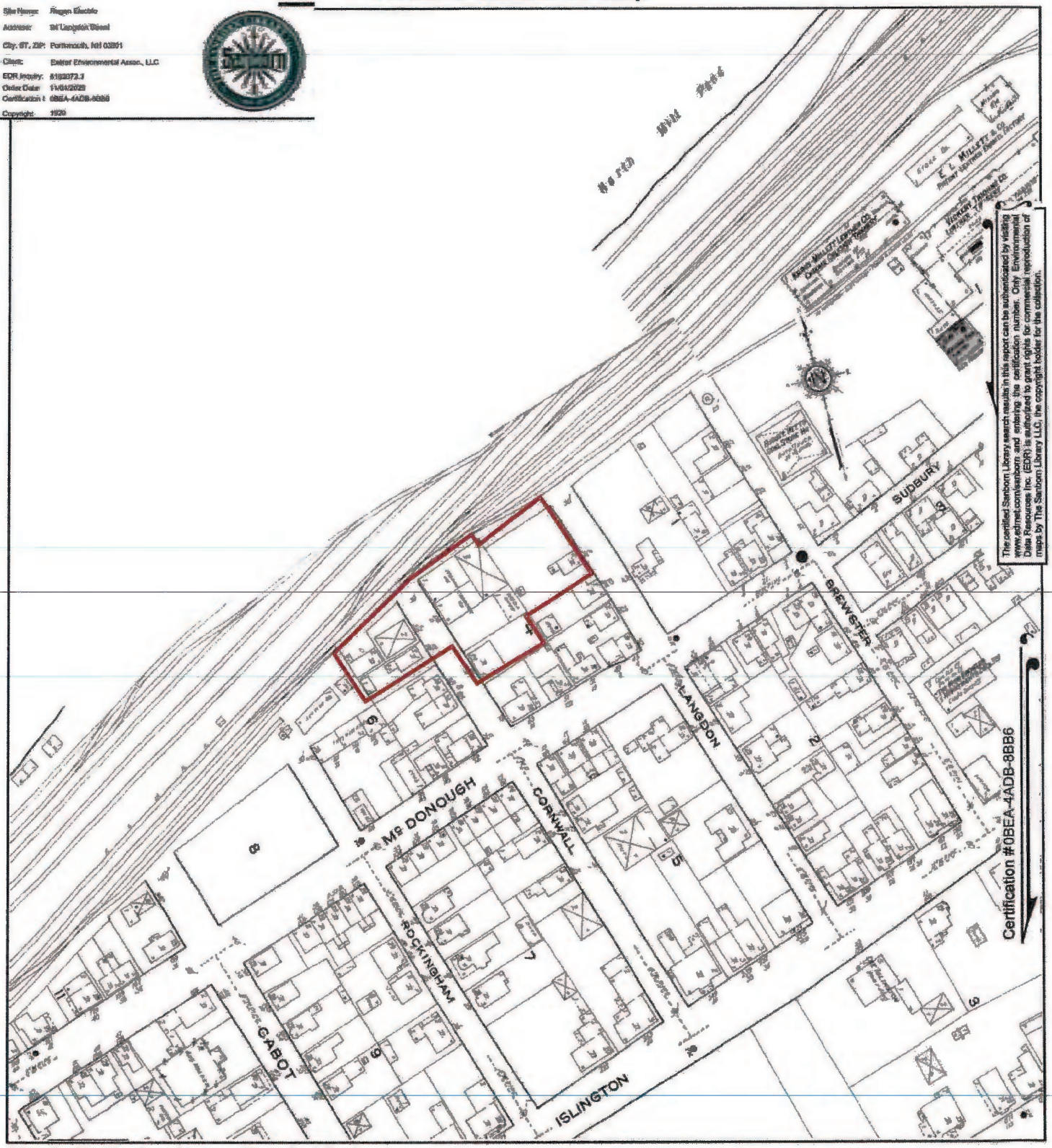
N

EDR

Certified Sanborn® Map

1920

Site Name: Regan Electric
Address: 94 Langdon Street
City, ST, ZIP: Portsmouth, NH 03801
Client: Exeter Environmental Assoc., LLC
EDR Inquiry: 8162072.3
Order Date: 11/04/2020
Certification #: 0BEA-4ADB-8BB6
Copyright: 1920



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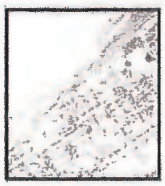


Volume 1, Sheet 5
Volume 1, Sheet 4

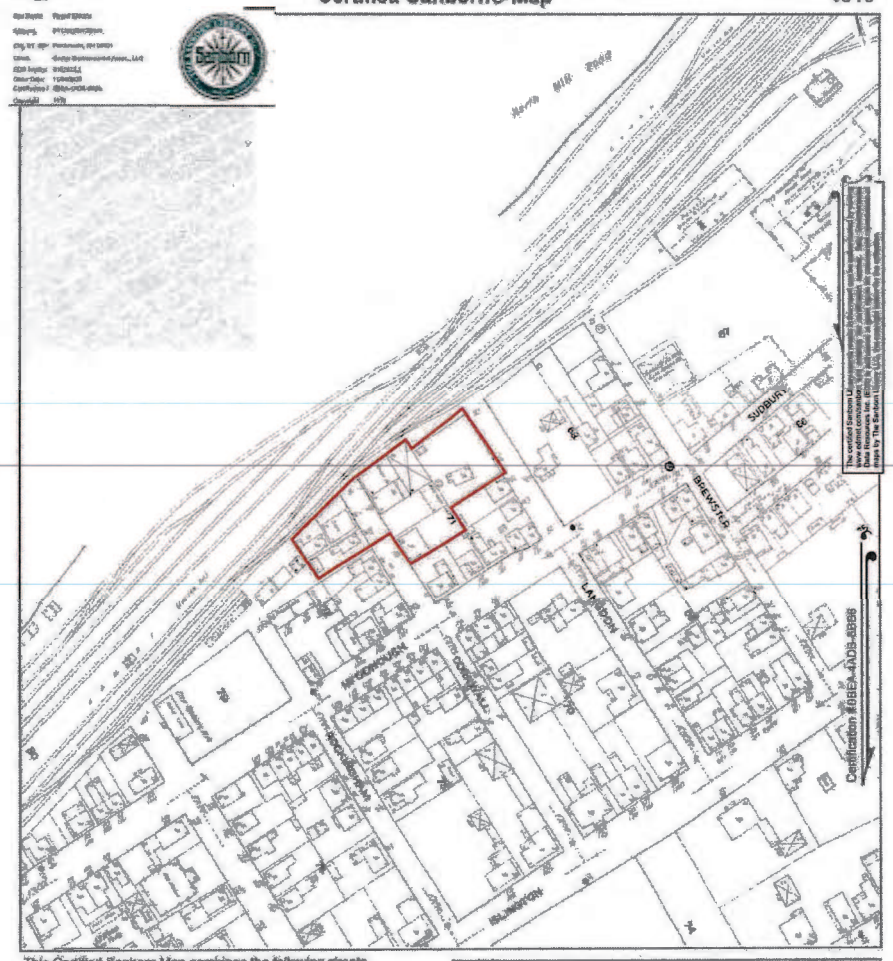
0 Feet 150 300 600

N

8162072 - 3 page 10

Certified Sanborn® Map

1910



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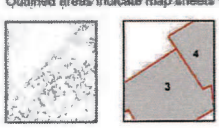

Volume 1, Sheet 3
Volume 1, Sheet 4

0 Feet 150 300 600

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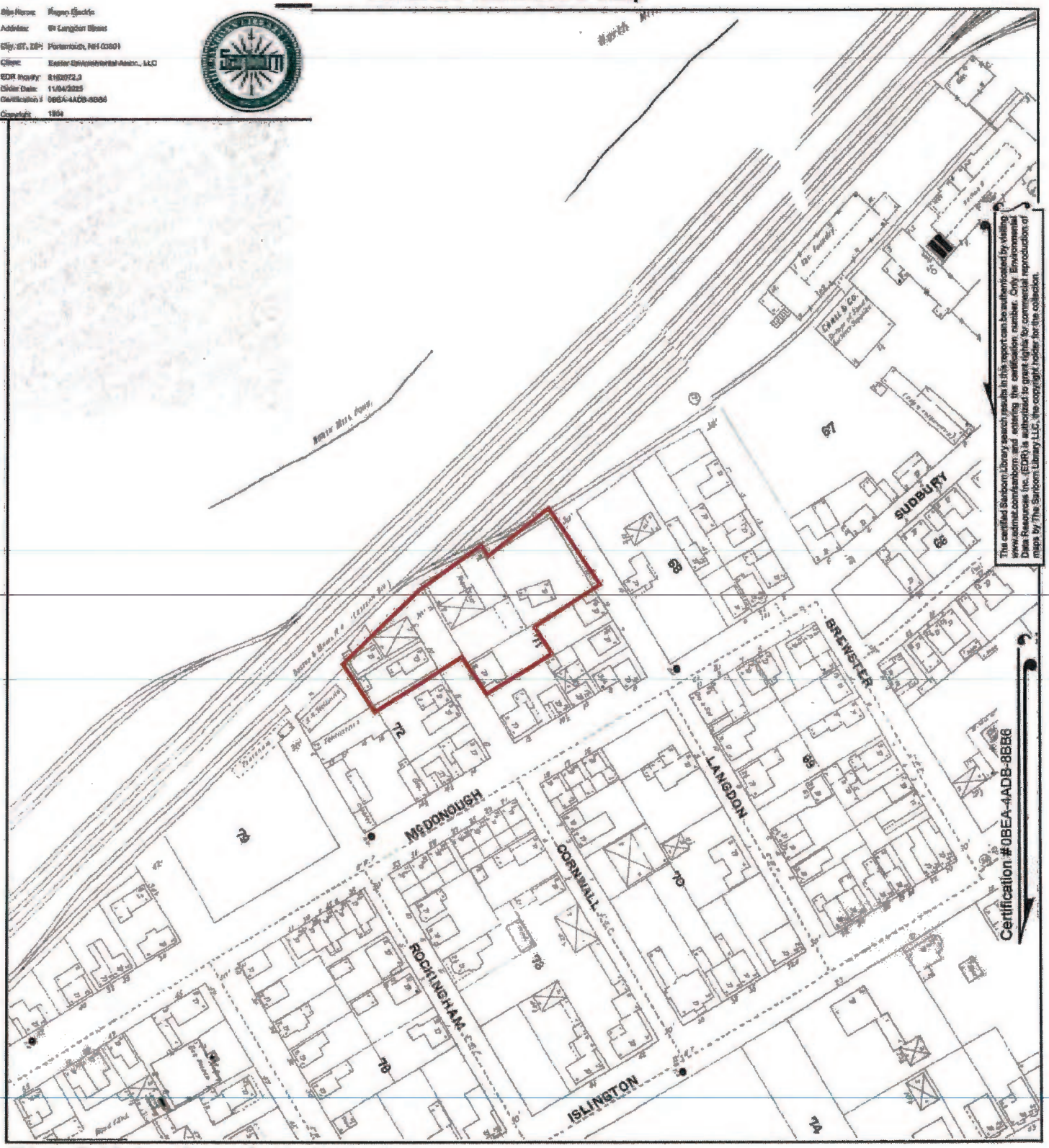
EDR

Certified Sanborn® Map

1904

Site Name: Regan Electric
Address: 69 Langdon Street
City, ST, ZIP: Portsmouth, NH 03801
Client: Eastar Environmental Assoc., LLC
EDR Inquiry: 8162072.3
Order Date: 11/04/2025
Certification #: 0BEA-4ADB-8BB6
Copyright: 1904



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Outlined areas indicate map sheets within the collection.

Volume 1, Sheet 5
Volume 1, Sheet 4

0 Feet 150 300 600

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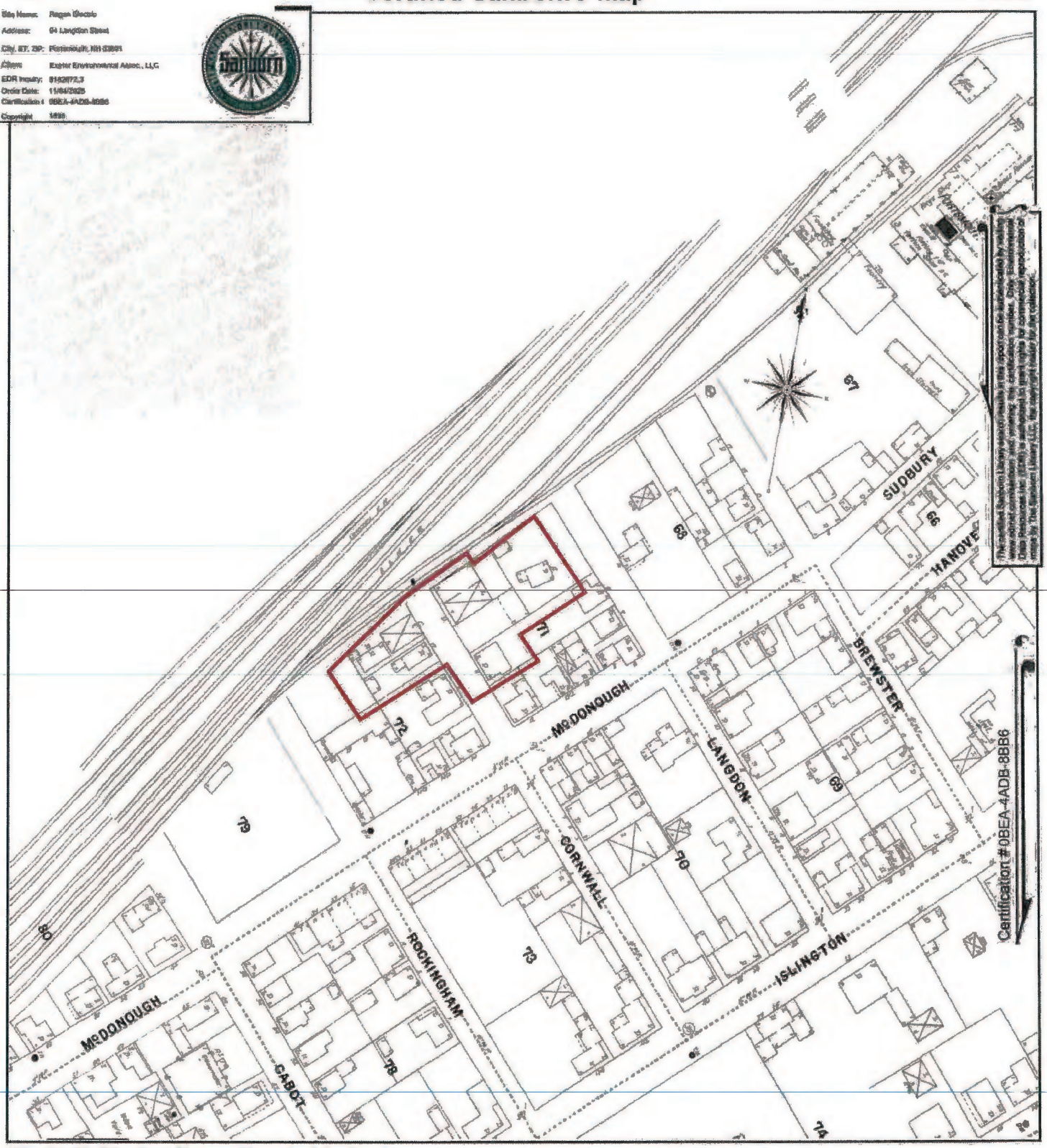
8162072 - 3 page 12

Certified Sanborn® Map

1898

Site Name: Regan Electric
Address: 64 Langdon Street
City, ST, ZIP: Portsmouth, NH 03801
Client: Exeter Environmental Assoc., LLC
EDR Inquiry: 8162072.3
Order Date: 11/04/2025
Certification #: 0BEA-4ADB-8BB6
Copyright: 1898



This Certified Sanborn Map combines the following sheets.
Outlined areas indicate map sheets within the collection.

0 Feet 150 300 600

Volume 1, Sheet 12
Volume 1, Sheet 14

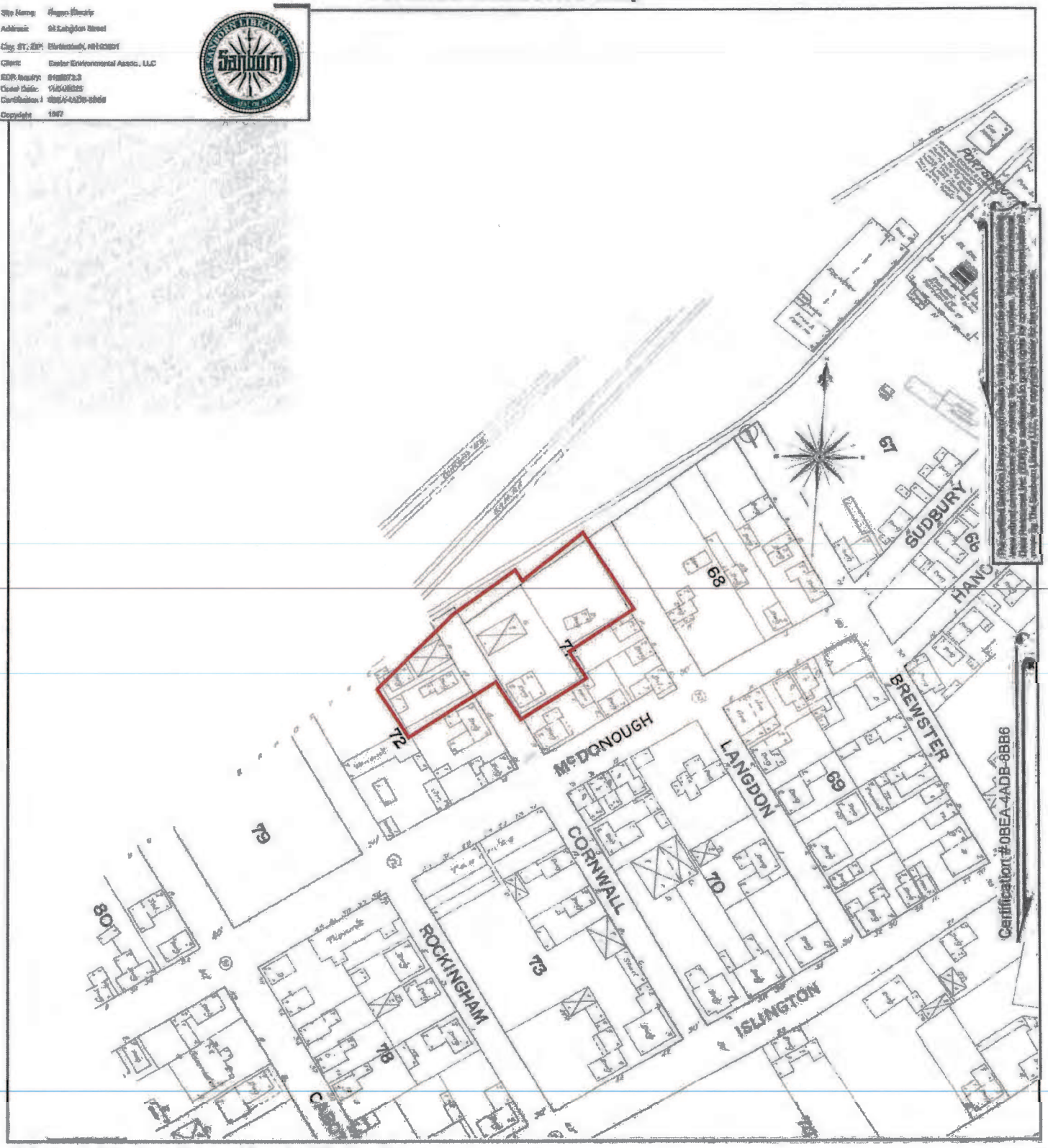
N

8162072 - 3 page 13

Certified Sanborn® Map

1887

Site Name: Regan Electric
Address: 94 Langdon Street
City, ST, ZIP: Portsmouth, NH 03801
Client: Easter Environmental Assoc., LLC
EDR Inquiry: 8162072.3
Order Date: 11/04/2025
Certification #: 0BEA-4ADB-8BB6
Copyright: 1887



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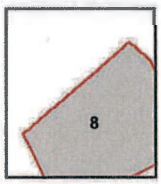


Volume 1, Sheet 8

N

8162072 - 3 page 15

City of Portsmouth, NH

EXHIBIT 4
June 2, 2026

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

Geometry updated 03/06/2026

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

EXHIBIT 3

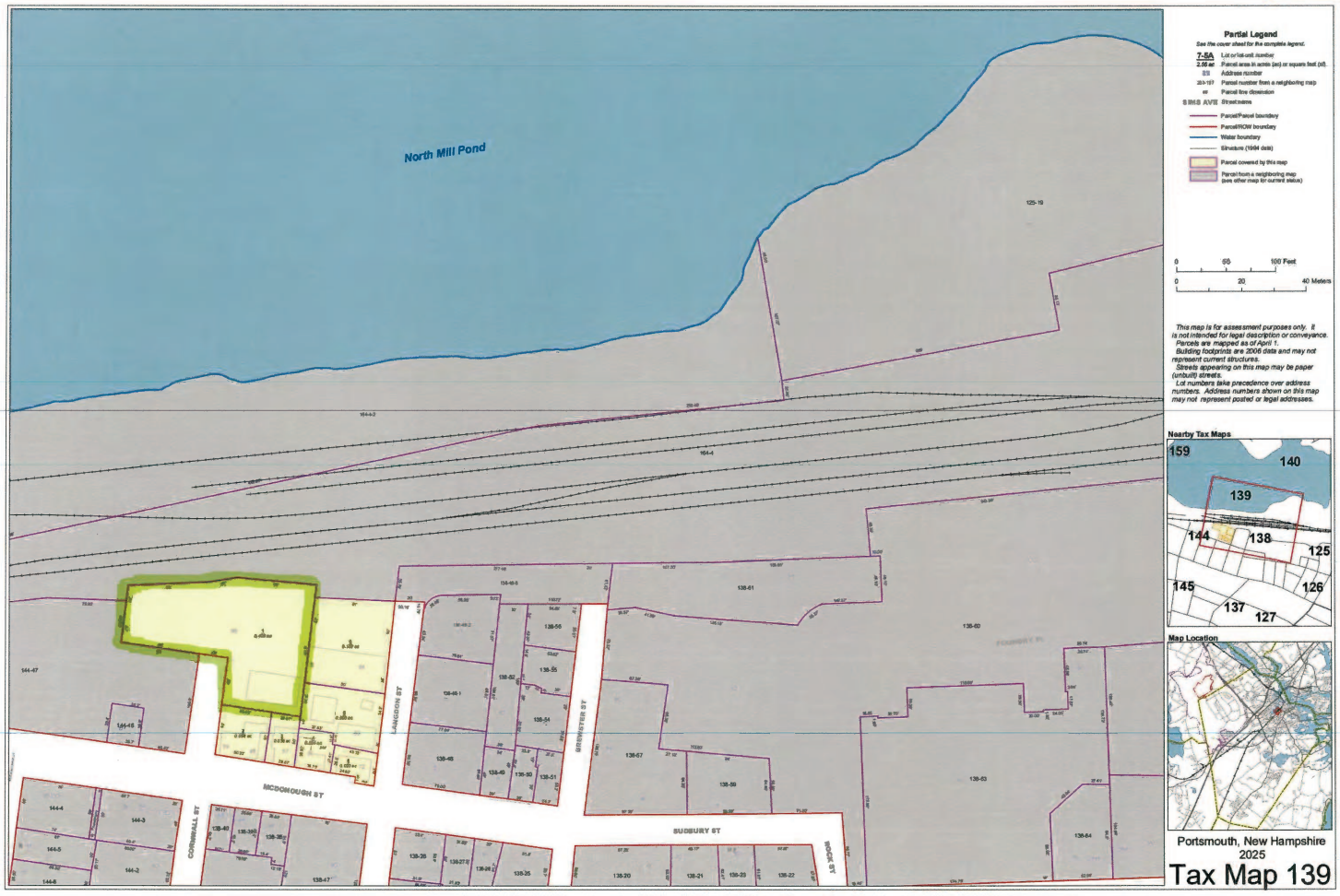

North Mill Pond
LANGDON ST
BRIDGE ST
MCDONOUGH ST
CORNWALL ST
SUDBURY ST
Partial Legend
See the cover sheet for the complete legend.
7-5A Lot or lot-unit number
2.56 ac Parcel area in acres (ac) or square feet (sf).
53 Address number
20-197 Parcel number from a neighboring map
or Parcel line dimension
SMS AVE Street name
Parcel/Parcel boundary
Parcel/ROW boundary
Water boundary
Structure (1994 data)
Parcel covered by this map
Parcel from a neighboring map (see other map for current status)
0 50 100 Feet
0 20 40 Meters
This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.
Nearby Tax Maps
159
140
139
144
138
125
145
126
137
127
Map Location
Portsmouth, New Hampshire
2025
Tax Map 139

EXHIBIT 4
June 2, 2026

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

Geometry updated 03/06/2026

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

EXHIBIT 5

99 Cornwall St

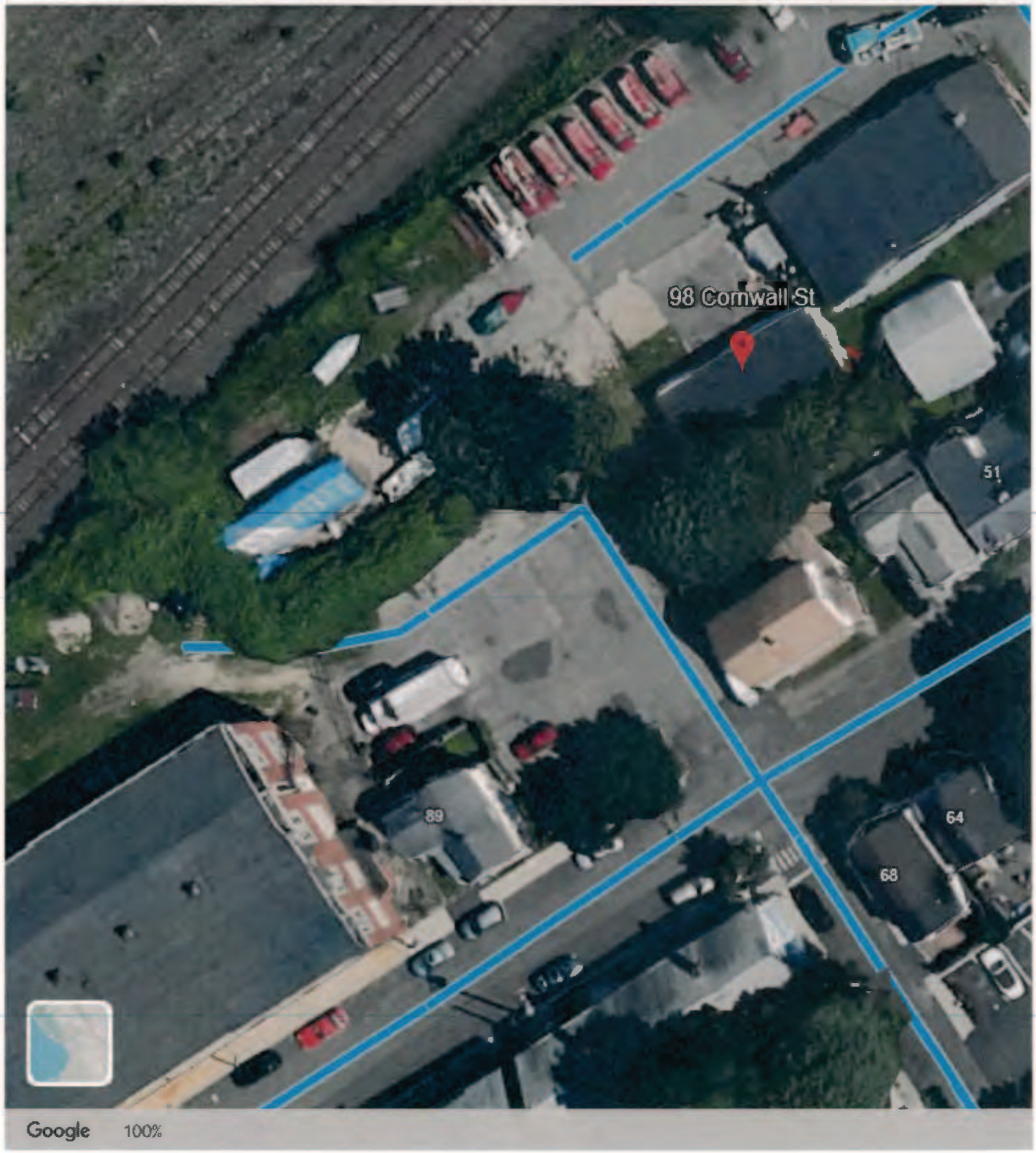
Portsmouth, New Hampshire

101 Langdon St

Portsmouth, New Hampshire

File Edit View Add Tools Help

98 Cornwall Street, Portsmouth, I



File Edit View Add Tools Help

98 Cornwall Street, Portsmouth,

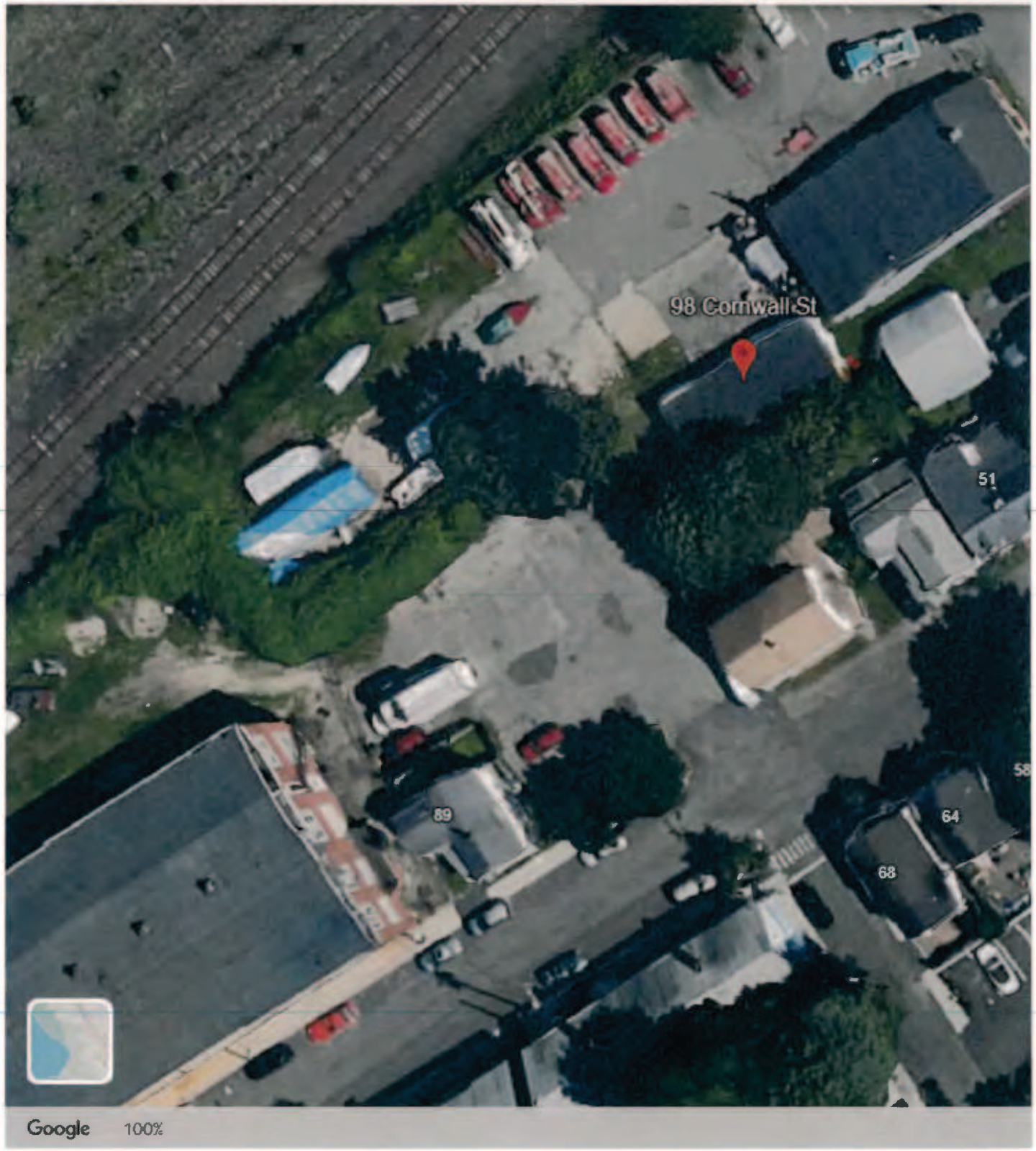
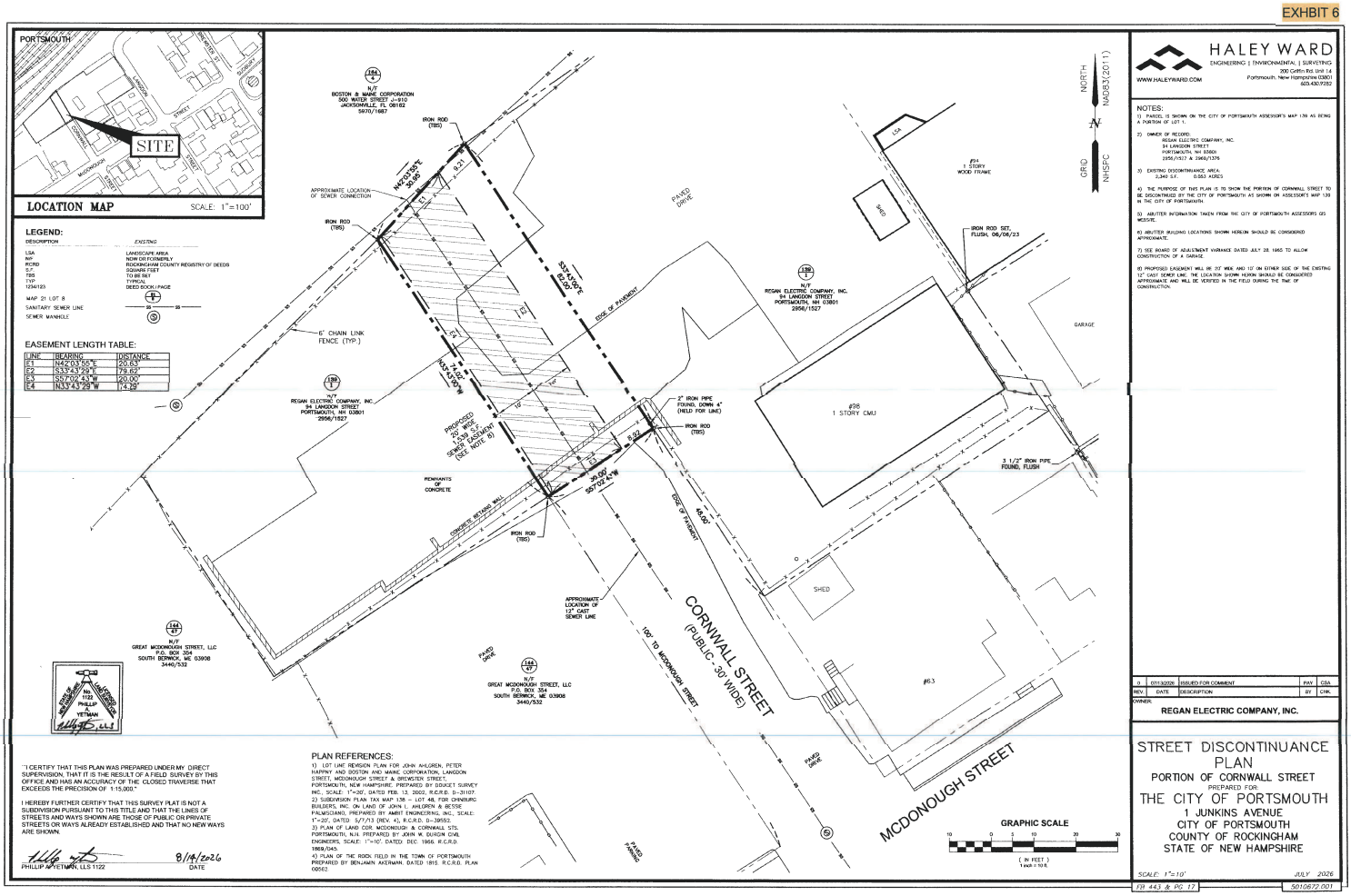


EXHIBIT 6



"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

I HEREBY FURTHER CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

PHILLIP AP YETMAN, LLS 1122 — 8/14/2026 DATE

PLAN REFERENCES:
1) - LOT LINE REVISION PLAN FOR JOHN AHLGREN, PETER HAPPNY AND BOSTON AND MAINE CORPORATION, LANGDON STREET, MCDONOUGH STREET & BREWSTER STREET, PORTSMOUTH, NEW HAMPSHIRE. PREPARED BY EDUCT SURVEY INC., SCALE: 1"=20', DATED FEB. 13, 2002, R.C.R.D. D-31107.
2) SUBDIVISION PLAN TAX MAP 138 – LOT 48, FOR CHINBURG BUILDERS, INC. ON LAND OF JOHN L. AHLGREN & BESSE PALMISCIANO, PREPARED BY AMBIT ENGINEERING, INC., SCALE: 1"=20', DATED: 5/7/13 (REV. 4), R.C.R.D. D-38552.
3) PLAN OF LAND CDR, MCDONOUGH & CORNWALL STS. PORTSMOUTH, N.H. PREPARED BY JOHN W. DURGIN CIVIL ENGINEERS, SCALE: 1"=10'. DATED: DEC. 1966. R.C.R.D. 1969/045.
4) PLAN OF THE ROCK FIELD IN THE TOWN OF PORTSMOUTH PREPARED BY BENJAMIN ACKERMAN. DATED 1815. R.C.R.D. PLAN 00162.

HALEY WARD
ENGINEERING | ENVIRONMENTAL | SURVEYING
WWW.HALEYWARD.COM
200 Griffin Rd Unit 14
Portsmouth, New Hampshire 03801
603.430.7080

NOTES:
1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 138 AS BEING A PORTION OF LOT 1.
2) OWNER OF RECORD:
REGAN ELECTRIC COMPANY, INC.
94 LANGDON STREET
PORTSMOUTH, NH 03801
2956/1527 & 3465/1376
3) EXISTING DISCONTINUANCE AREA:
2,340 S.F. 0.053 ACRES
4) THE PURPOSE OF THIS PLAN IS TO SHOW THE PORTION OF CORNWALL STREET TO BE DISCONTINUED BY THE CITY OF PORTSMOUTH AS SHOWN ON ASSESSOR'S MAP 138 IN THE CITY OF PORTSMOUTH.
5) ABUTTER INFORMATION TAKEN FROM THE CITY OF PORTSMOUTH ASSESSORS GIS WEBSITE.
6) ABUTTER BUILDING LOCATIONS SHOWN HEREON SHOULD BE CONSIDERED APPROXIMATE.
7) SEE BOARD OF ADJUSTMENT VARIANCE DATED JULY 28, 1955 TO ALLOW CONSTRUCTION OF A GARAGE.
8) PROPOSED EASEMENT WILL BE 20' WIDE AND 10' ON EITHER SIDE OF THE EXISTING 12" CAST SEWER LINE. THE LOCATION SHOWN HEREON SHOULD BE CONSIDERED APPROXIMATE AND WILL BE VERIFIED IN THE FIELD DURING THE TIME OF CONSTRUCTION.

REV.	DATE	DESCRIPTION	BY	CHK.
0	07/13/2026	ISSUED FOR COMMENT	PAY	CSA

OWNER:
REGAN ELECTRIC COMPANY, INC.

STREET DISCONTINUANCE PLAN

PORTION OF CORNWALL STREET
PREPARED FOR:
THE CITY OF PORTSMOUTH
1 JUNKINS AVENUE
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

SCALE: 1"=10' JULY 2026
739 443 & PG. 17
5010672.001

City of Portsmouth

Planning & Sustainability

Memorandum

TO: Karen Conard, City Manager

FROM: Peter Stith, AICP, Assistant Planning Director

DATE: October 19, 2026

SUBJECT: Planning Board Recommendation on Taft Road

The City Council referred a request to discontinue a portion of Taft Road to the Planning Board for review and recommendation.

The proposed discontinuance involves an identified portion containing existing municipal infrastructure. During its review, the Planning Board considered the need to preserve municipal access and rights associated with the existing public water infrastructure.

At its October 15, 2026 meeting, the Planning Board voted unanimously to recommend that the City Council approve the discontinuance of the identified portion of Taft Road, subject to the following condition:

1. Recording of a municipal utility easement over the existing water line in a form acceptable to the City Attorney.

CITY OF PORTSMOUTH

Legal Department
Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
tmccourt@portsmouthnh.gov
(603) 610-7234

Trevor P. McCourt
Deputy City Attorney

Date: October 8, 2026

To: Peter Stith, Assistant Planning Director

From: Trevor P. McCourt, Deputy City Attorney

Re: 20 Taft Road
Paper Street Release Request

On August 20, 2026, Shannon Harrington and her husband, James St. Pierre, jointly wrote to the City Clerk requesting the release of the paper street along the northerly boundary of the property at 20 Taft Road (Assessor's Map 268, Lot 91), which Mrs. Harrington owns. Mrs. Harrington and Mr. St. Pierre report that they have consulted with the owners of the neighboring property at 22 Taft Road (Assessor's Map 268, Lot 90), who agree that the paper street should be divided equally between the two properties.

The paper street was dedicated to public use through the recordation of a subdivision plan titled "Plan Number One of Lots, Elwyn Park," dated October 1972 and recorded at the Rockingham County Registry of Deeds as Plan No. D-3407. The plan labels the street affecting the subject parcel as "proposed street." The City never formally accepted or opened the proposed street for public use. A City sewer lateral serving Dondero Elementary School passes through a portion of the proposed street.

The Legal, Planning and Sustainability, and Public Works Departments support releasing the City's interest in the paper street, provided that the property owners grant the City an easement protecting the existing sewer lateral serving Dondero Elementary School. As a condition of the release, the property owners should obtain, at their expense, a surveyed plan depicting both the limits of the paper street interest to be extinguished and the proposed sewer easement area. No surveyed plan has yet been prepared. The aerial photograph below shows the subject parcels and the paper street running between them.

cc:

City of Portsmouth

Planning & Sustainability

Memorandum

TO: Karen Conard, City Manager

FROM: Peter Stith, AICP, Assistant Planning Director

DATE: October 19, 2026

SUBJECT: Planning Board Recommendation on 0 Elm Street

The City Council referred a request concerning 0 Elm Street (Tax Map 210, Lot 15) to the Planning Board pursuant to RSA 674:41, I(d). The request seeks authorization for the issuance of a building permit on a lot that is proposed to be served by access over the unconstructed Forrest Street paper street. Under RSA 674:41, the City Council must obtain review and comment from the Planning Board before acting on such a request.

At its October 15, 2026 meeting, the Planning Board reviewed the request and discussed the unique circumstances of the parcel, including access considerations, emergency services access, and the physical constraints associated with the property. The Board noted that no constructed roadway presently provides access to the lot and that additional review by City departments would be beneficial in evaluating the feasibility of future development.

Following its review, the Board voted to recommend that the parcel may have an opportunity to accommodate a single-family dwelling and further recommended that additional review be obtained from the Fire Department and Department of Public Works regarding emergency access, sight distance, public safety, and utility considerations.

Staff notes that any action by the City Council under RSA 674:41 relates only to the issue of access and eligibility for issuance of a building permit under state law. Council approval does not constitute development approval and does not guarantee that the parcel is buildable under the City's land use regulations.

As noted in the legal memorandum presented to the Planning Board, the parcel is undersized and may require one or more variances from the Zoning Board of Adjustment. In addition, the property is located within the Highway Noise Overlay

District, and construction of a dwelling would require approval of a Conditional Use Permit from the Planning Board. Issuance of any building permit would remain contingent upon obtaining all required variances, conditional use permit approval, and any other applicable local, state, or federal permits and approvals.

COLBY T. GAMESTER

Attorney At Law

154 Maplewood Avenue
Portsmouth, New Hampshire 03801

(603)-427-0000
colby@gamesterlaw.com

July 29, 2026

HAND DELIVERED & VIA EMAIL
Portsmouth City Council
Attn: Deaglan McEachern, Mayor
c/o Portsmouth City Clerk
1 Junkins Avenue
Portsmouth, NH 03801
cityclerk@portsmouthnh.gov

Re: 0 Elm Street (Tax Map 210, Lot 15)
Request pursuant to RSA 674:41, I(d)
Access via private drive

Dear Mayor McEachern and Members of the City Council:

I represent Stephanie Crepeau ("Client") who is currently under contract to purchase real property located at 0 Elm Street, also known as Lot 15 on City of Portsmouth Tax Map 210 (the "Property"). Enclosed herewith is a Landowner Letter of Authorization executed by the current owner of the Property, Andrew Wolcott.

Please accept this letter to the City Council requesting that it authorize the issuance of a building permit for the construction of a single-family home at and on the Property pursuant to RSA 674:41, I(d). We respectfully request that this letter and matter be placed on the City Council's agenda for its regularly scheduled meeting on August 3, 2026.

The Property is located at the corner of two (2) paper streets: Elm Street and Forrest Street. Elm Street has never been constructed. A portion of Forrest Street has been improved (initially as a gravel driveway and now paved), but upon information and reasonable belief this improvement was not performed by the City; rather, it was constructed, and has been maintained, by the owner(s) and predecessors-in-interest of the improved lot situated at 1 Forrest Street, the corner of Forrest Street and Cutts Avenue. Enclosed herewith as Exhibit A is an aerial tax map image showing where the Property is located, as well as depicting the existing private drive within the right-of-way of Forrest Street.

This neighborhood and subdivision of land was first created in 1902 with the recording of the Buckminster Plan at the Rockingham County Registry of Deeds as Plan 270. In 1919, the Buckminster Plan was revised and recorded at the Registry as Plan 245. In both plans, the Property is identified as the "subject lot." See Exhibits B and C enclosed herewith.

It is clear that the paper streets shown on those plans were dedicated to the City and the public at large as rights-of-way; however, only a portion of this subdivision was built out prior to the construction of the interstate highway system that severed the neighborhood.

For further reference regarding Forrest Street, also enclosed is a 1988 subdivision plan prepared for David Hodgdon (Plan D-18913) which depicts the extent of the then-existing gravel driveway within the Forrest Street right-of-way; as noted above that driveway is now paved. Enclosed herewith as Exhibit D is the Hodgdon Plan.

The Property is a preexisting nonconforming lot of record. Other surrounding property owners of single-family homes on Cutts Avenue own the majority land abutting the Property on the paper streets. The City itself owns two nearby lots, as well. The City Legal Department and this office have been investigating the current legal status of Elm Street and Forrest Street, which is often not straightforward in light of the various events over the years, as well as the applicable case law and the statutory framework that vary at times since 1902 which govern paper streets, their dedication, and any express or implied acceptance by the City thereof.

My Client desires to construct a single-family home on the Property. In order to do so, she will require variance relief from the Zoning Board of Adjustment, as well as conditional use permits from the Planning Board for development within the Highway Noise Overlay District and for potential wetland buffer impacts.

My Client has not yet authorized her surveyor and engineer to proceed with extensive field work and research because the associated cost is not insignificant, and the status of the paper streets has been our primary focus to date. Rather than pursuing a final determination of whether the City retains, or has released, rights in these paper streets, we believe the most efficient path forward (so that this proposal may proceed to the City's land use boards) is through the process set forth in RSA 674:41, I(d), which is enclosed herewith in its entirety as Exhibit E.

RSA 674:41, I(d) provides that a building permit may be issued for a lot accessed by a private road where:

> (1) the local governing body, after review and comment by the planning board, or after establishing that the private road identifies and complies with policy adopted by the governing body of the municipality, has voted to authorize the issuance of building permits for the erection of buildings on said private road or portion thereof;
> (2) the municipality neither assumes responsibility for maintenance of said private roads nor liability for any damages resulting from the use thereof; and
> (3) prior to the issuance of a building permit, the applicant produces evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds for the lot.

Preliminary discussions with the Department of Public Works indicate that the DPW is amenable to treating access as a shared private driveway (rather than a full City street) until such time as future surrounding development *may* warrant formalization of a public way. The City would not maintain or plow the driveway, and trash collection would occur on Cutts Avenue. Municipal sewer service would be available via a private sewer line pump discharging to the existing sewer main on Cutts Avenue. The Fire Department's requirements for emergency vehicle access can be met through standard asphalt driveway construction and while also ensuring appropriate ingress and egress.[1]

Pursuant to RSA 674:41, I(d), the City Council must first refer this request to the Planning Board for review and comment before it may authorize the issuance of a building permit. We respectfully request that the City Council refer this matter to the Planning Board to be addressed at its next regularly scheduled meeting on August 20, 2026.

Should the City Council ultimately authorize the issuance of a building permit under RSA 674:41, I(d), such authorization would of course be conditioned upon the Property obtaining any and all necessary land-use approvals from the Zoning Board of Adjustment and the Planning Board.

I am available to discuss this matter with the Council, the Planning Board, or City staff at any time. If my presence is requested or needed at the Council's August 3rd meeting, then I will have to appear via zoom as I will be out of town the week of August 3rd.

Thank you for your time and consideration of this request.

Kindest Regards,

Colby T. Gamester, Esq.

Enclosures

Cc: file
Karen Conard, City Manager
Trevor McCourt, Esq., Legal Department
Peter Rice, Department of Public Works
Chief McQuillen, Fire Department
Peter Britz, Planning Department
Stephanie Crepeau
(all via email)

[1] My Client and I have done a fair amount of research and consultation with various City Departments regarding the Property and surrounding area. We understand that with more formal plans and proposals, these Departments would, if necessary, have the opportunity to provide further comment, conditions, and limitations, if necessary and applicable.

LANDOWNER LETTER OF AUTHORIZATION

I, the Undersigned, Andrew Wolcott, the record owner of real property located at off Elm Street, Portsmouth, New Hampshire 03801, identified on Portsmouth Tax Map 210 as Lot 15 (the "Property"), hereby authorize Gamester Law Office, and its attorneys and representatives, to file any document with the City of Portsmouth (the "City"), communicate and correspond with City staff and officials, and submit applications with and appear before the City Council and the City's land use boards all regarding the Property. This Letter of Authorization shall be valid until expressly revoked in writing.

Andrew Wolcott

7/28/26

Andrew Wolcott

Date

EXHIBIT A

City of Portsmouth, NH June 25, 2026

Property Information

Property ID	0210-0015-0000
Location	ELM ST
Owner	WOLCOTT ANDREW

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

Geometry updated 03/06/2026

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

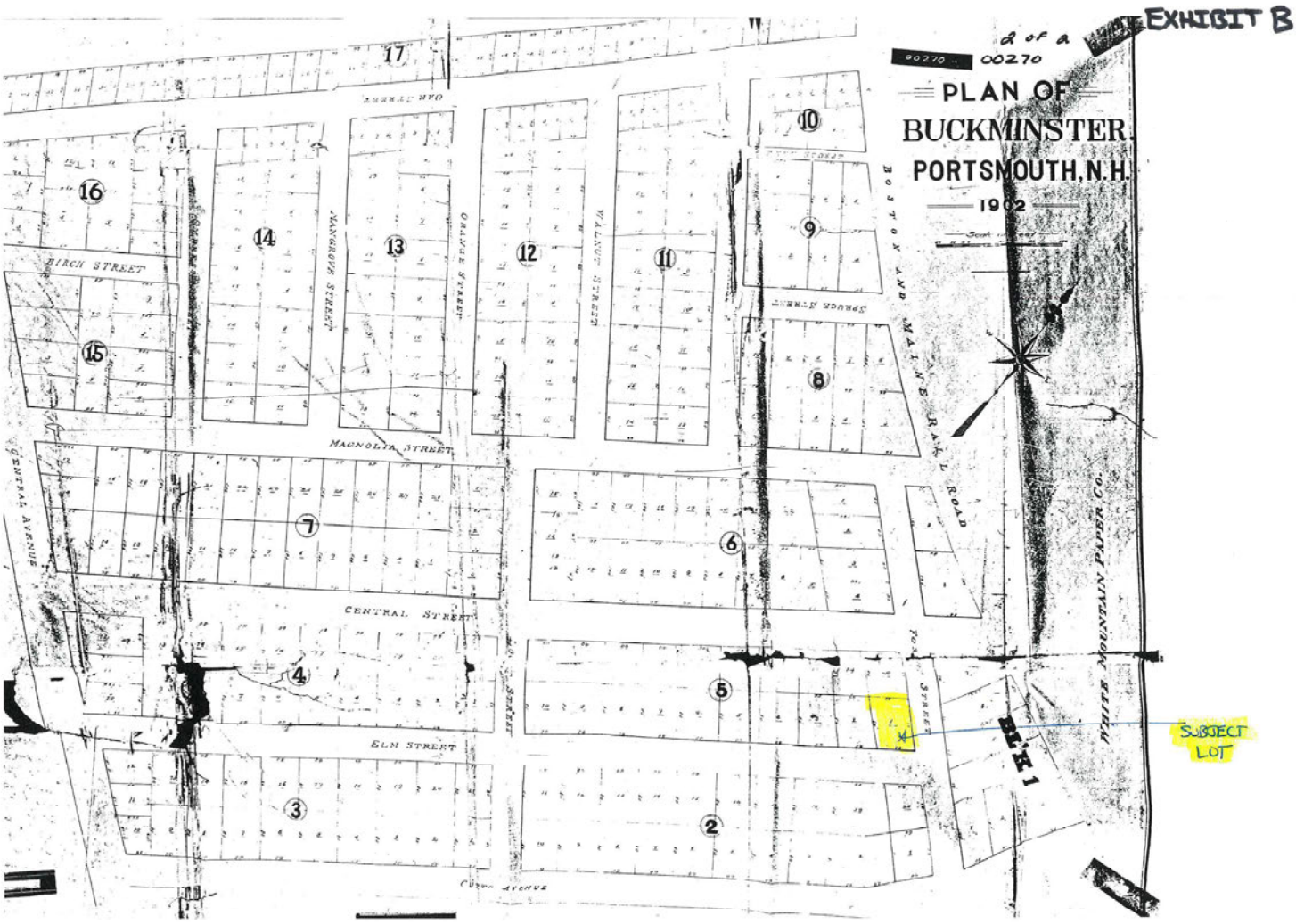


EXHIBIT B
PLAN OF
BUCKMINSTER
PORTSMOUTH, N.H.
1902
BIRCH STREET
MAGNOLIA STREET
CENTRAL STREET
ELM STREET
MANGROVE STREET
ORANGE STREET
WALNUT STREET
SPRUCE STREET
BOSTON AND MAINE RAIL ROAD
PISCATAQUA PAPER CO.
CENTRAL AVENUE
SUBJECT LOT
LOT 1

EXHIBIT C

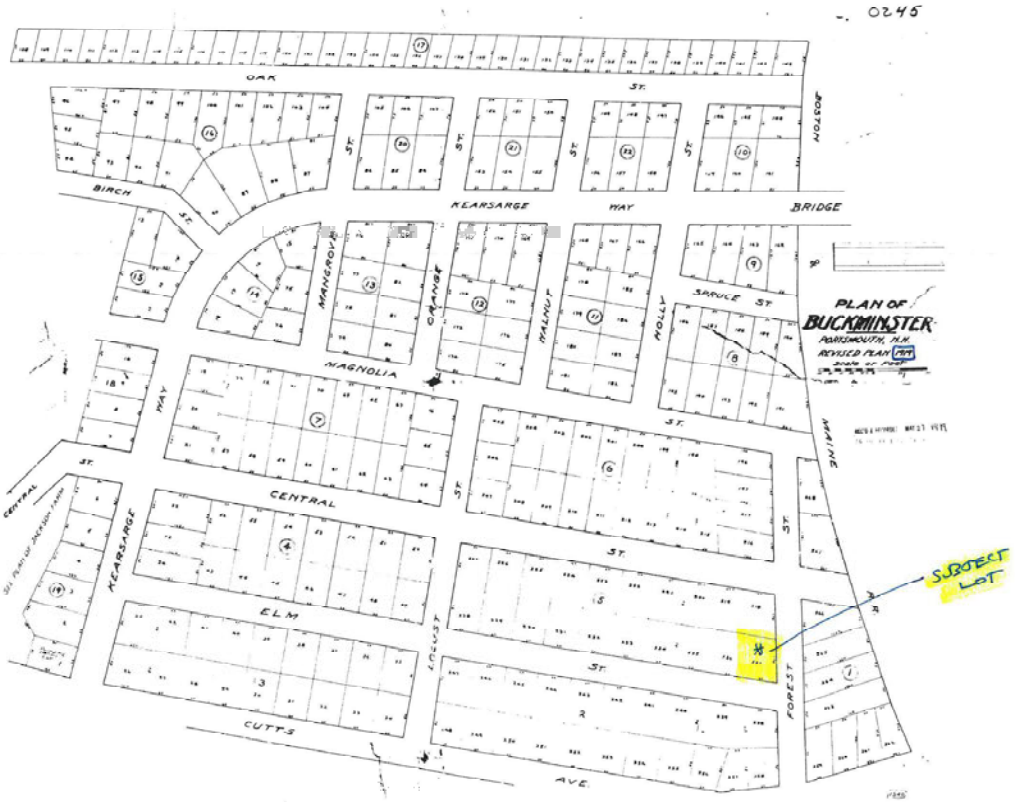
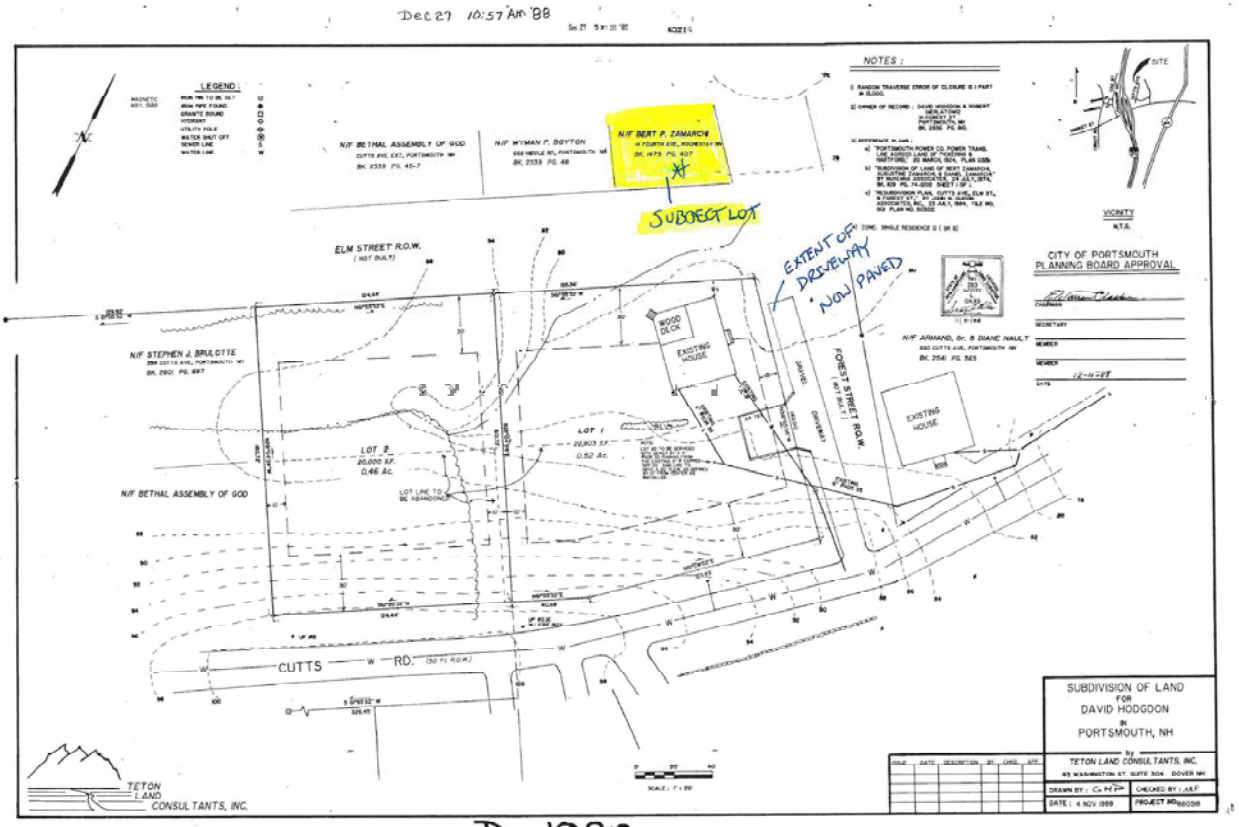

0245
OAK
ST.
BOSTON
BIRCH
KEARSARGE
WAY
BRIDGE
MANGROVE
CANAL
WALNUT
MOLLY
SPRUCE
PLAN OF
BUCKMINSTER
PORTSMOUTH, N.H.
REVISED PLAN
MAGNOLIA
MAY
CENTRAL
KEARSARGE
ELM
LOCUST
CUTTS
AVE.
FOREST
MAINE
SUBJECT LOT

EXHIBIT D



D - 18913

 EXHIBIT E

TITLE LXIV
PLANNING AND ZONING

CHAPTER 674
LOCAL LAND USE PLANNING AND REGULATORY POWERS

Regulation of Subdivision of Land

Section 674:41

674:41 Erection of Buildings on Streets; Appeals. –

I. From and after the time when a planning board shall expressly have been granted the authority to approve or disapprove plats by a municipality, as described in RSA 674:35, no building shall be erected on any lot within any part of the municipality nor shall a building permit be issued for the erection of a building unless the street giving access to the lot upon which such building is proposed to be placed:

(a) Shall have been accepted or opened as, or shall otherwise have received the legal status of, a class V or better highway prior to that time; or

(b) Corresponds in its location and lines with:

(1) A street shown on the official map; or

(2) A street on a subdivision plat approved by the planning board; or

(3) A street on a street plat made by and adopted by the planning board; or

(4) A street located and accepted by the local legislative body of the municipality, after submission to the planning board, and, in case of the planning board's disapproval, by the favorable vote required in RSA 674:40; or

[Paragraph I(c) effective until July 1, 2026; see also paragraph I(c) set out below.]

(c) Is a class VI highway, provided that:

(1) The local governing body after review and comment by the planning board has voted to authorize the issuance of building permits for the erection of buildings on said class VI highway or a portion thereof; and

(2) The municipality neither assumes responsibility for maintenance of said class VI highway nor liability for any damages resulting from the use thereof; and

(3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds; or

[Paragraph I(c) effective July 1, 2026; see also paragraph I(c) set out above.]

(c) Is a class VI highway, provided that the applicant:

(1) Signs a liability waiver acknowledging that the:

(A) Municipality shall not maintain the highway nor provide any services to any lot accessible by the highway;

(B) Municipality shall not accept any responsibility for losses or damages caused by a lack of services; and

(C) Responsibility for such services falls solely on the applicant; and

(2) Prior to the issuance of a building permit, produces evidence that this waiver has been recorded in the county register of deeds; and

(3) Prior to the issuance of a building permit, proves the lot and any buildings thereon are insurable; or

(d) Is a private road, provided that:

(1) The local governing body, after review and comment by the planning board, or after establishing that the private road identifies and complies with policy adopted by the governing body of the municipality, has voted to authorize the issuance of building permits for the erection of buildings on said private road or portion thereof; and

(2) The municipality neither assumes responsibility for maintenance of said private roads nor liability for any damages resulting from the use thereof; and

(3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds for the lot for which the building permit is sought; or

(e) Is an existing street constructed prior to the effective date of this subparagraph and is shown on a subdivision plat that was approved by the local governing body or zoning board of adjustment before the municipality authorized the planning board to approve or disapprove subdivision plats in accordance with RSA 674:35, if one or more buildings have been erected on other lots on the same street.

II. Whenever the enforcement of the provisions of this section would entail practical difficulty or unnecessary hardship, and when the circumstances of the case do not require the building, structure or part thereof to be related to existing or proposed streets, the applicant for such permit may appeal from the decision of the administrative officer having charge of the issuance of permits to the zoning board of adjustment in any municipality which has adopted zoning regulations in accordance with RSA 674, or, in municipalities in which no board of adjustment exists, to the local legislative body, or to a board of appeals, whichever is appropriate, in accordance with RSA 674:14 and 674:15, including the requirement for a public hearing. In a municipality which does not require building permits, direct application may be made to the zoning board of adjustment, or the local legislative body, or the board of appeals for permission to erect the building. In passing on such appeal or application, the board of adjustment, local legislative body, or board of appeals may make any reasonable exception and

shall have the power to authorize or issue a permit, subject to such conditions as it may impose, if the issuance of the permit or erection of the building would not tend to distort the official map or increase the difficulty of carrying out the master plan upon which it is based, and if erection of the building or issuance of the permit will not cause hardship to future purchasers or undue financial impact on the municipality. Any such decision made in this connection by a board of adjustment, local legislative body, or by a board of appeals pursuant to this section and RSA 674:14 and 674:15 shall be in writing, together with the reasons for the decision, and shall be subject to review in the manner described in RSA 677.

II-a. Municipalities may except any lot, including island lots for islands served exclusively by boats, from the requirements of paragraphs I and II by an affirmative vote of the local legislative body pursuant to RSA 675, first submitted to the planning board for its approval and:

(a) If approved by the board, approved by a majority of those present and voting at a regular or special meeting of the local legislative body; or

(b) If disapproved by the planning board, approved by not less than 2/3 of those present and voting at a regular or special meeting of the local legislative body.

III. This section shall supersede any less stringent local ordinance, code or regulation, and no existing lot or tract of land shall be exempted from the provisions of this section except in accordance with the procedures expressly set forth in this section. For purposes of paragraph I, "the street giving access to the lot" means a street or way abutting the lot and upon which the lot has frontage. It does not include a street from which the sole access to the lot is via a private easement or right-of-way, unless such easement or right-of-way also meets the criteria set forth in subparagraphs I(a), (b), (c), (d), or (e).

IV. In addition to the requirements for the erection of buildings in paragraph I and notwithstanding the exceptions provided in paragraph II, the planning board for a county in which there are located unincorporated towns or unorganized places shall require every building which is erected on leased land located within an unincorporated town or unorganized place to have a building permit. A building permit shall be required under this paragraph regardless of the proximity of the building to any street or highway. The county shall, by resolution, authorize the planning board to issue building permits under this paragraph.

Source. 1983, 447:1. 1988, 131:2, 3. 1989, 266:20. 1995, 291:10. 1998, 344:6. 2002, 270:1, 5. 2004, 154:1, 2. 2005, 226:1, 2, eff. Sept. 3, 2005. 2025, 175:1, eff. Sept. 13, 2025; 256:1, eff. July 1, 2026.

CITY OF PORTSMOUTH

Legal Department
Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
tmccourt@portsmouthnh.gov
(603) 610-7234

Trevor P. McCourt
Deputy City Attorney

Date: September 11, 2026

To: Peter Stith, Planning Manager

From: Trevor P. McCourt, Deputy City Attorney

Re: RSA 674:41, I(d) review and comment – 0 Elm Street (Tax Map 210, Lot 15); Crepeau/Wolcott Request (Attorney Gamester letter dated July 29, 2026)

I. Introduction.

Attorney Colby Gamester, on behalf of Stephanie Crepeau (who is under contract to purchase the property) and its record owner, Andrew Wolcott, has asked the City Council to authorize the issuance of a building permit for a single-family home on Lot 15 (0 Elm Street, Tax Map 210) under RSA 674:41, I(d), on the theory that the lot is or would be served by a private road over the Forrest Street paper right-of-way. Because RSA 674:41, I(d)(1) requires the Council to obtain the Planning Board's review and comment before it may authorize building permits on a private road, the Council has referred the request to the Board. This memorandum is provided to assist the Board in that review: it explains what RSA 674:41 requires, applies it to the facts now before the City, identifies the limits of the Council's authority under the statute, and sets out the options I would recommend the Board transmit to the Council.

II. Statutory Framework

RSA 674:41, I bars issuance of a building permit on any parcel unless the parcel is on a street. This statute provides for issuance of building permits on streets that are not maintained by the municipality, such as Class VI roads and private roads. The basic purpose of this statute is "to ensure that a dwelling can be reached by the fire department, police department, and other agencies charged with the responsibilities of protecting the public peace, safety, and welfare. That purpose is defeated if the purported access route is not suitable for travel." Loughlin, P., New Hampshire Practice, Land Use Planning and Zoning, Ch. 29.19, see Sanderson v. Town of Candia, 146 N.N. 598 (2001).

III. Factual Background

0 Elm Street is at the corner of two purported paper streets, Elm Street and Forrest Street. Forrest Street and Elm Street are paper streets shown on 1902 and 1919 subdivision plans entitled the Buckminster plans. The City's records confirm that Forrest Street was never accepted or used as a public way, and therefore the underlying fee likely resides with the abutters. No road has been constructed to connect 0 Elm Street to a public right of way. The improved (now paved) portion of Forrest Street serves as a driveway for 1 Forrest Street and does not reach the subject lot; what the applicant proposes is to build a new driveway. There is thus no constructed access to 0 Elm Street today. DPW reports a steep grade at the proposed access location, which may or may not be appropriate for a public road. The Fire Department advises that a drive exceeding 200 feet requires a 12-foot minimum width (16 feet recommended). Neither Department has issued a final recommendation without a plan depicting the proposed driveway. 0 Elm Street is also undersized and may require at least one variance and a conditional use permit due to its location within the Highway Noise Overlay District. Approximately nine other parcels in the Buckminster subdivision are similarly situated, without constructed access, and the City owns two nearby lots.

IV. Options for the Planning Board

There are two basic options for the Planning Board at this stage. The first would be to recommend denial, and the second would be to recommend approval with an exception from the statutory rule. The first could lead to an appeal to the Zoning Board of Adjustment, which can approve applications with conditions, and the second would require a public hearing at the City Council.

A. Paragraph II — ZBA exception (applicant-initiated; conditions allowed).

If the building inspector — the “administrative officer having charge of the issuance of permits,” not the Council — denies a permit for lack of qualifying access, the applicant may appeal to the Zoning Board of Adjustment. The ZBA may grant a “reasonable exception” for “practical difficulty or unnecessary hardship” and may issue the permit subject to such conditions as it imposes, if doing so would not distort the official map, increase the difficulty of the master plan, cause hardship to future purchasers, or impose undue financial impact on the City.

B. Paragraph II-a — legislative exception (Council vote; Board gatekeeps; no conditions).

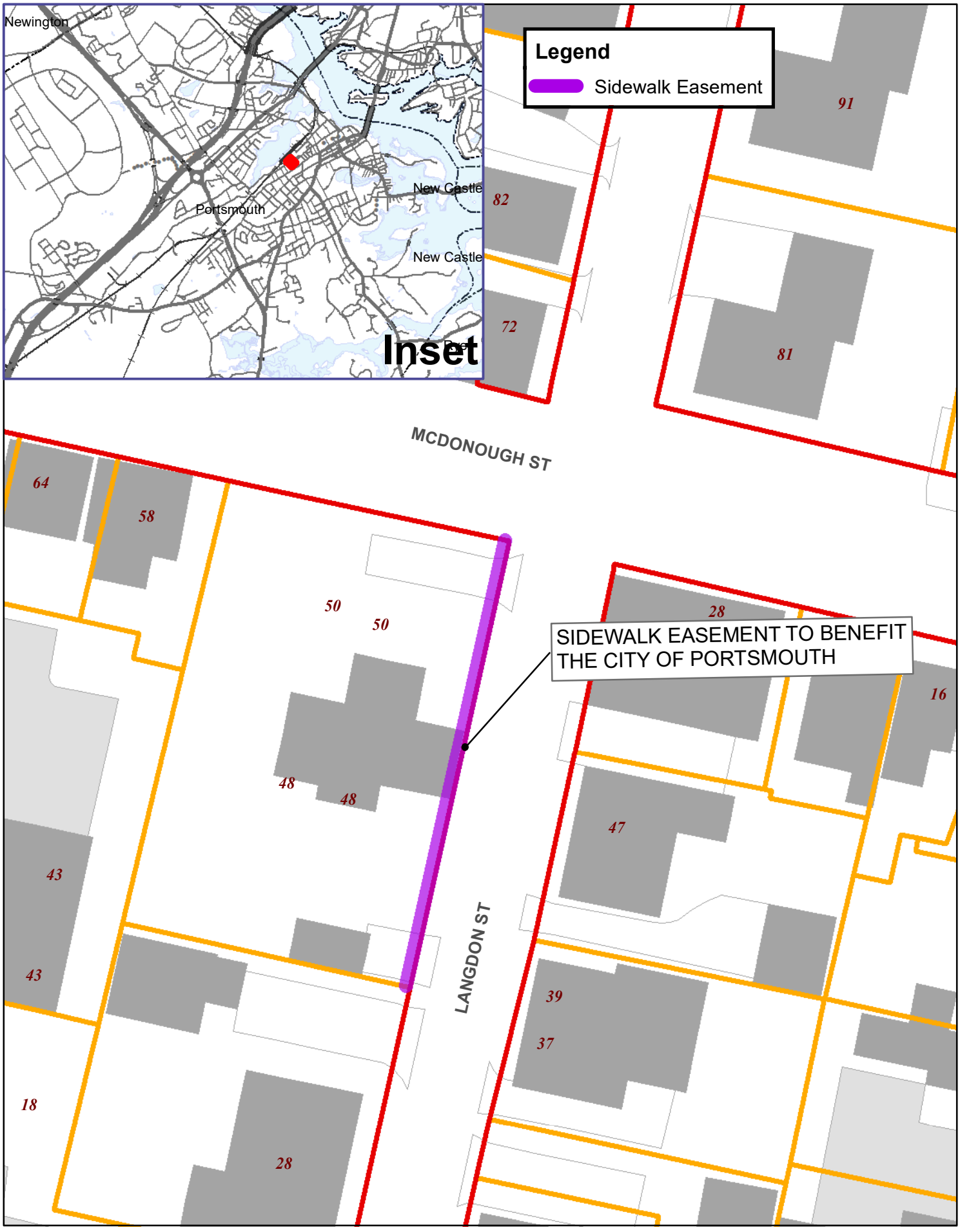
The Council may except the lot from the requirements of paragraphs I and II by an affirmative vote, first submitted to the Planning Board for its approval: if the Board approves, a majority of the Council suffices; if the Board disapproves, a two-thirds vote is required. The vote is taken with a noticed public hearing so it is handled with the formality of a legislative enactment, not an ordinary permit vote.

V. Recommended Options.

Because there is no existing road servicing 0 Elm Street the Board's review and comment realistically takes one of two forms:

A. Recommend denial under paragraph I.

B. Recommend the City Council approve with an exception under paragraph II-a.



Langdon Street Sidewalk Easement

Map prepared by Portsmouth Department of Public Works

Outlook

City Council Website Contact Form

From City of Portsmouth <webformsubmission@portsmouthnh.gov>
Date Tue 10/13/2026 4:32 PM
To Webform Submission <webformsubmission@portsmouthnh.gov>
Cc City Council Clerk - Shr <ccclerk@portsmouthnh.gov>; City Council - Shr <ccemail@portsmouthnh.gov>; Carl E. Weber <ceweber@portsmouthnh.gov>; Karen S. Conard <kconard@portsmouthnh.gov>; Nathan D. Lunney <ndlunney@portsmouthnh.gov>; Susan G. Morrell <sgmorrell@portsmouthnh.gov>

Submitted on Tue, 10/13/2026 16:32

Submitted by: Anonymous

Submitted values are:

First Name
Lenore

Last Name
Bronson

Email
[redacted]

Subject
Letter re my property sewer issue

Address
[redacted]
Portsmouth, New Hampshire. 03801

Message
https://1drv.ms/w/c/7e91f35be2d42573/IQB-Piod03PXQaTG2Bibk6zGAQF8YBSXVx2_RKtKfT2eXWs?e=1xoEzC&nav=eyJoIjoiNjYxNDUwMDUxIn0

This attached copy of my original hand-delivered letter differs in a date correction (7/29/2026),the addition of quotation marks around Mr. Snyder's statement, and the addition of my email address.

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting.
Yes

{Empty}

*subject Subject

Outlook

City Council Website Contact Form

From City of Portsmouth <webformsubmission@portsmouthnh.gov>
Date Tue 10/13/2026 11:25 AM
To Webform Submission <webformsubmission@portsmouthnh.gov>
Cc City Council Clerk - Shr <ccclerk@portsmouthnh.gov>; City Council - Shr <ccemail@portsmouthnh.gov>; Carl E. Weber <ceweber@portsmouthnh.gov>; Karen S. Conard <kconard@portsmouthnh.gov>; Nathan D. Lunney <ndlunney@portsmouthnh.gov>; Susan G. Morrell <sgmorrell@portsmouthnh.gov>

Submitted on Tue, 10/13/2026 11:25

Submitted by: Anonymous

Submitted values are:

First Name
Thomas

Last Name
Nies

Email
[redacted]

Subject
Zoning Ordinance - Removal of Parking Regulations

Address
[redacted]
Portsmouth, New Hampshire. 03801

Message
Dear Mayor, Assistant Mayor, and Councilors:

Tonight will be the second reading of changes to the zoning ordinance that remove most parking regulations. Regulations will be move to the Site Plan review regulations, which are adopted by the Planning Board with no Council approval required. Given the acrimony which accompanies almost every change to parking requirements, I continue to believe this is a bad idea. That ship appears to have sailed, however.

I remain concerned that the proposed changes do not address a second issue I raised in September. The changes do not remove a section of the ordinance that allows the Zoning Board of Adjustment to impose parking requirements when granting special exceptions (Section 10.232.28). This seems inconsistent with the rest of the changes. From a conversation I had with City staff, I thought this

section was going to be removed, but perhaps a reason was identified to leave it in. I urge you to make sure that this is not an oversight.

Thank you for considering my comments.

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting.
Yes

{Empty}

*subject Subject

Outlook

City Council Website Contact Form

From City of Portsmouth <webformsubmission@portsmouthnh.gov>
Date Wed 10/14/2026 6:12 PM
To Webform Submission <webformsubmission@portsmouthnh.gov>
Cc City Council Clerk - Shr <ccclerk@portsmouthnh.gov>; City Council - Shr <ccemail@portsmouthnh.gov>; Carl E. Weber <ceweber@portsmouthnh.gov>; Karen S. Conard <kconard@portsmouthnh.gov>; Nathan D. Lunney <ndlunney@portsmouthnh.gov>; Susan G. Morrell <sgmorrell@portsmouthnh.gov>

Submitted on Wed, 10/14/2026 18:12

Submitted by: Anonymous

Submitted values are:

First Name
Steve

Last Name
Dunfey

Email
[redacted]

Subject
Joan Dunfey Art Exhibition at the New Hampshire Art Association

Address
[redacted]
Portsmouth, New Hampshire. 03801

Message
You are welcome to attend the Joan Dunfey Art Exhibition opening reception at the New Hampshire Art Association on 136 State Street. The reception takes place November 6 at 5 pm to 8 pm. Mayor McEachern will make some remarks at 6 pm. If you have any questions please email me at [redacted]. We always have a good crowd and we look forward to seeing you there.

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting.
Yes

{Empty}

*subject Subject

Outlook

City Council Website Contact Form

From City of Portsmouth <webformsubmission@portsmouthnh.gov>
Date Mon 10/19/2026 11:12 AM
To Webform Submission <webformsubmission@portsmouthnh.gov>
Cc City Council Clerk - Shr <ccclerk@portsmouthnh.gov>; City Council - Shr <ccemail@portsmouthnh.gov>; Carl E. Weber <ceweber@portsmouthnh.gov>; Karen S. Conard <kconard@portsmouthnh.gov>; Nathan D. Lunney <ndlunney@portsmouthnh.gov>; Susan G. Morrell <sgmorrell@portsmouthnh.gov>; Trevor McCourt <tmccourt@portsmouthnh.gov>

Submitted on Mon, 10/19/2026 - 11:12

Submitted by: Anonymous

Submitted values are:

First Name
Edwin

Last Name
Martinez

Email
[redacted]

Subject
Student Interview Request: Pedestrian and Bicycle Safety in Portsmouth

Address
[redacted]
Durham, New Hampshire. 03824

Message
Dear Councilor Hopkins,

My name is Edwin Martinez, and I am a student working on a school project about pedestrian and bicycle safety in Portsmouth, New Hampshire.

I am researching how local government addresses safety concerns for pedestrians and cyclists, including safer streets, bicycle lanes, sidewalks, and crosswalks.

I would appreciate the opportunity to interview you briefly about the City Council's priorities, current policies, and plans for improving pedestrian and bicycle safety in Portsmouth.

The interview could take place by email or at a time convenient for you. I would be happy to send my questions in advance.

Thank you for your time and consideration. I appreciate your work serving the Portsmouth community.

Sincerely,
Edwin Martinez

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting.
Yes

{Empty}

*subject Subject

Rec'd 10/16/26

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

REAPPOINTMENT APPLICATION

Instructions: Please print or type and complete all information

Committee: Trustees of the Trust Funds

Name: Peter G. Weeks

Please confirm or update your contact information below:

Street Address: ☐ No Change ☑ Updated: [redacted]

Mailing Address: ☐ No Change ☑ Updated: [redacted]

Telephone Number: ☐ No Change ☑ Updated: [redacted]

Email Address: ☐ No Change ☑ Updated: pgweeks@comcast.net

Eligibility and Availability

Do you remain a resident of Portsmouth? ☑ Yes ☐ No

Changes to meeting availability? ☑ No ☐ Yes: _____

Continued Service

Do you wish to be considered for reappointment? ☑ Yes ☑ No

Interested in other boards if not reappointed? ☐ Yes ☑ No

Acknowledgment

By signing, you certify the above is accurate and understand that:

(1) Reappointment is at the discretion of the Mayor and City Council;
(2) Review and acknowledgment of the Volunteer Handbook is mandatory (information will be emailed to you and can be found on the City Clerk's webpage); and
(3) The taking of the Oath of Office and signing of the oath book at the City Clerk's office is required after appointment.

Signature: _____ Date: 9-30-2026

Submit to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801

5/7/2026

Gift and Donation Submission Form

Donations received by the City of Portsmouth must be accepted by the City Council. Please complete this form and submit it to the City Manager for inclusion on an upcoming agenda.

Date:	10-19-26
Department/Contact Person:	Suzanne Woodland
Donation Amount:	$50

Are Funds to be directed to a particular department, program or fund? – If yes, please provide detail below:

City of Portsmouth General Fund - DPW

Is there a particular purpose intended with this donation:

Point of Graves Cemetery Wall Replacement Project

Other information/Special Conditions:

Donor Information

First & Last Name:	Anonymous South End Resident
Business Name:	
Address*:	
Phone*:	
Email*:	

Please note that gifts/donations to individual employees with a value of $100 or more are not permitted. Information with an asterisk (*) indicates it will not be publicly distributed.

Gift and Donation Submission Form

Donations received by the City of Portsmouth must be accepted by the City Council. Please complete this form and submit it to the City Manager for inclusion on an upcoming agenda.

Date:	10-13-2026
Department/Contact Person:	Suzanne Woodland
Donation Amount:	$50

Are Funds to be directed to a particular department, program or fund? – If yes, please provide detail below:

City of Portsmouth General Fund - DPW

Is there a particular purpose intended with this donation:

Point of Graves Cemetery Wall Replacement Project

Other information/Special Conditions:

Donor Information

First & Last Name:	Michael Pennington
Business Name:	
Address*:	
Phone*:	
Email*:	

Please note that gifts/donations to individual employees with a value of $100 or more are not permitted. Information with an asterisk (*) indicates it will not be publicly distributed.

Gift and Donation Submission Form

Donations received by the City of Portsmouth must be accepted by the City Council. Please complete this form and submit it to the City Manager for inclusion on an upcoming agenda.

Date:	10-13-2026
Department/Contact Person:	Suzanne Woodland
Donation Amount:	$500

Are Funds to be directed to a particular department, program or fund? – If yes, please provide detail below:

City of Portsmouth General Fund - DPW

Is there a particular purpose intended with this donation:

Point of Graves Cemetery Wall Replacement Project

Other information/Special Conditions:

Donor Information

First & Last Name:	Charles and Barbara Bickford
Business Name:	
Address*:	
Phone*:	
Email*:	

Please note that gifts/donations to individual employees with a value of $100 or more are not permitted. Information with an asterisk (*) indicates it will not be publicly distributed.

Department of Justice (DOJ)

Office of Justice Programs

Office of Juvenile Justice Delinquency Prevention

Washington, D.C. 20531

Name and Address of Recipient:	CITY OF PORTSMOUTH NH 1 JUNKINS AVE
City, State and Zip:	PORTSMOUTH, NH 03801
Recipient UEI:	XTL2C874AZN7

Project Title: ICACCOPS & NH ICAC Enhanced Capacity Program	**Award Number:** 15PJDP-26-GG-01379-BRND

Solicitation Title: OJJDP FY 2026 Invited to Apply - Byrne Discretionary Community Project Grants/Byrne Discretionary Grants Program

Federal Award Amount: $1,000,000.00	**Federal Award Date:** 9/30/26

Awarding Agency:	Office of Justice Programs Office of Juvenile Justice Delinquency Prevention
Award Type:	Initial
Funding Instrument Type:	Grant

Opportunity Category: E
Assistance Listing:
16.753 - Congressionally Recommended Awards

Project Period Start Date: 2/1/26	**Project Period End Date:** 1/31/28
Budget Period Start Date: 2/1/26	**Budget Period End Date:** 1/31/28

Project Description:

The New Hampshire Internet Crimes Against Children Task Force proposes to use funding to maintain, strengthen, and enhance both the Task Force and its affiliate agencies' investigative and forensic capacity. Project activities include digital forensic analysis training for affiliate members, digital forensic computer hardware and additional forensic multiyear licensing agreements. Deliverable and expected outcomes include enhanced ability to efficiently triage and process the increasing volume of potential child sexual abuse imagery, enticement and extortion cases, generative artificial intelligence sexual abuse imagery, and the emerging threat of sadistic online exploitation. The subrecipient, National Criminal Justice Training Center of Fox Valley Technical College, will operate and maintain a secure investigative technology platform, which is utilized by the Task Force and other authorized criminal justice users, by providing investigative tools, reporting functions and related operations.

Award Letter

September 30, 2026

Dear Karen Conard,

On behalf of the Attorney General, it is my pleasure to inform you the Office of Justice Programs (OJP) has approved the application submitted by CITY OF PORTSMOUTH NH for an award under the funding opportunity entitled 2026

OJJDP FY 2026 Invited to Apply - Byrne Discretionary Community Project Grants/Byrne Discretionary Grants Program. The approved award amount is $1,000,000.
Review the Award Instrument below carefully and familiarize yourself with all conditions and requirements before accepting your award. The Award Instrument includes the Award Offer (Award Information, Project Information, Financial Information, and Award Conditions) and Award Acceptance. For COPS Office and OVW funding the Award Offer also includes any Other Award Documents.

Please note that award requirements include not only the conditions and limitations set forth in the Award Offer, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. These requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., specific restrictions on use of funds). Therefore, all key staff should receive the award conditions, the assurances and certifications, and the application as approved by OJP, so that they understand the award requirements. Information on all pertinent award requirements also must be provided to any subrecipient of the award.

Should you accept the award and then fail to comply with an award requirement, DOJ will pursue appropriate remedies for non-compliance, which may include termination of the award and/or a requirement to repay award funds.

Prior to accepting the award, your Entity Administrator must assign a Financial Manager, Grant Award Administrator, and Authorized Representative(s) in the Justice Grants System (JustGrants). The Entity Administrator will need to ensure the assigned Authorized Representative(s) is current and has the legal authority to accept awards and bind the entity to the award terms and conditions. To accept the award, the Authorized Representative(s) must accept all parts of the Award Offer in the Justice Grants System (JustGrants), including by executing the required declaration and certification, within 45 days from the award date.

To access your funds, you will need to enroll in the Automated Standard Application for Payments (ASAP) system, if you haven't already completed the enrollment process in ASAP. The Entity Administrator should have already received an email from ASAP to initiate this process.

Congratulations, and we look forward to working with you.

Maureen A. Henneberg
Deputy Assistant Attorney General

Office for Civil Rights Notice for All Recipients

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) enforces federal civil rights laws and other provisions that prohibit discrimination by recipients of federal financial assistance from OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW).

Several civil rights laws, including Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, require recipients of federal financial assistance (recipients) to give assurances that they will comply with those laws. Taken together, these and other civil rights laws prohibit recipients from discriminating in the provision of services and employment because of race, color, national origin, religion, disability, and sex or from discriminating in the provision of services on the bases of age.

Some recipients of DOJ financial assistance have additional obligations to comply with other applicable nondiscrimination provisions like the Omnibus Crime Control and Safe Streets Act of 1968, which prohibits discrimination on the basis of religion in addition to race, color, national origin, and sex. Recipients may also have related requirements regarding the development and implementation of equal employment opportunity programs.

OCR provides technical assistance, training, and other resources to help recipients comply with civil rights obligations. Further, OCR administratively enforces civil rights laws and nondiscrimination provisions by investigating DOJ recipients that are the subject of discrimination complaints. In addition, OCR conducts compliance reviews of DOJ recipients based on regulatory criteria. These investigations and compliance reviews permit OCR to evaluate whether DOJ recipients are providing services to the public and engaging in employment practices in a nondiscriminatory manner.

For more information about OCR, your civil rights and nondiscrimination responsibilities, how to notify your employees or beneficiaries of their civil rights protections and responsibilities and how to file a complaint, as well as technical

assistance, training, and other resources, please visit www.ojp.gov/program/civil-rights-office/outreach. If you would like OCR to assist you in fulfilling your civil rights or nondiscrimination responsibilities, please contact us at askOCR@ojp.usdoj.gov or www.ojp.gov/program/civil-rights-office/about#ocr-contacts.

Memorandum Regarding NEPA

NEPA Letter Type

OJP - Categorical Exclusion

NEPA Letter

National Environmental Policy Act (NEPA) record

NEPA determination: Categorical Exclusion

The OJJDP FY 2026 Byrne Discretionary Community Project Grants/Byrne Discretionary Grants Program supports projects designated for funding pursuant to the Department of Justice Appropriations Act, 2026 (Pub. L. No. 119-74, Div. A, Title II.) to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation).

None of the following activities will be conducted whether under the Office of Justice Programs federal action or a related third party action:

(1) New construction.

(2) Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including property (a) listed on or eligible for listing on the National Register of Historic Places, or (b) located within a 100-year flood plain, a wetland, or habitat for an endangered species.

(3) A renovation that will change the basic prior use of a facility or significantly change its size.

(4) Research and technology whose anticipated and future application could be expected to have an effect on the environment.

(5) Implementation of a program involving the use of chemicals (including the identification, seizure, or closure of clandestine methamphetamine laboratories).

Additionally, the proposed action is neither a phase nor a segment of a project that when reviewed in its entirety would not meet the criteria for a categorical exclusion.

Consequently, the subject federal action meets the Office of Justice Programs' criteria for a categorical exclusion as contained in paragraph 4(b) of Appendix D to Part 61 of Title 28 of the Code of Federal Regulations.

Questions about this determination may be directed to your grant manager Environmental Coordinator for the Office of Juvenile Justice and Delinquency Prevention.

NEPA Coordinator

First Name	Middle Name	Last Name
Lou Ann	no value	Holland

Award Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Recipient Information

Recipient Name

UEI
XTL2C874AZN7

Street 1
1 JUNKINS AVE

Street 2

City
PORTSMOUTH

State/U.S. Territory
New Hampshire

Zip/Postal Code
03801

Country
United States

County/Parish

Province

Award Details

Federal Award Date
9/30/26

Award Type
Initial

Award Number
15PJDP-26-GG-01379-BRND

Supplement Number
00

Federal Award Amount
$1,000,000.00

Funding Instrument Type
Grant

Assistance Listing Number	Assistance Listings Program Title
16.753	Congressionally Recommended Awards

Statutory Authority

Department of Justice Appropriations Act, 2026 (Pub. L. No. 119-74, 140 Stat. 5, 30-31, para. 1(O))

[ ] *I have read and understand the information presented in this section of the Federal Award Instrument.*

Project Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Solicitation Title
2026 OJJDP FY 2026 Invited to Apply - Byrne Discretionary Community Project Grants/Byrne Discretionary Grants Program

Awarding Agency
OJP

Program Office
OJJDP

Application Number
GRANT14702846

Grant Manager Name	Phone Number	E-mail Address
William Sarrano	202-598-5822	William.Sarrano@usdoj.gov

Project Title
ICACCOPS & NH ICAC Enhanced Capacity Program

Performance Period Start Date	Performance Period End Date
02/01/2026	01/31/2028

Budget Period Start Date	Budget Period End Date
02/01/2026	01/31/2028

Project Description

The New Hampshire Internet Crimes Against Children Task Force proposes to use funding to maintain, strengthen, and enhance both the Task Force and its affiliate agencies' investigative and forensic capacity. Project activities include digital forensic analysis training for affiliate members, digital forensic computer hardware and additional forensic multiyear licensing agreements. Deliverable and expected outcomes include enhanced ability to efficiently triage and process the increasing volume of potential child sexual abuse imagery, enticement and extortion cases, generative artificial intelligence sexual abuse imagery, and the emerging threat of sadistic online exploitation. The subrecipient, National Criminal Justice Training Center of Fox Valley Technical College, will operate and maintain a secure investigative technology platform, which is utilized by the Task Force and other authorized criminal justice users, by providing investigative tools, reporting functions and related operations.

[ ] *I have read and understand the information presented in this section of the Federal Award Instrument.*

Financial Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

The recipient budget is currently under review.

[ ] *I have read and understand the information presented in this section of the Federal Award Instrument.*

Award Conditions

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Condition 1
Compliance with general appropriations-law restrictions on the use of federal funds (FY 2025)
The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions that may be set out in applicable appropriations acts are indicated at https://ojp.gov/funding/Explore/FY25AppropriationsRestrictions.htm, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

Condition 2
Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38.

Among other things, 28 C.F.R. Part 38 states that recipients may not use direct Federal financial assistance from the Department of Justice to support or engage in any explicitly religious activities except when consistent with the Establishment Clause of the First Amendment to the U.S. Constitution and any other applicable requirements. An organization receiving Federal financial assistance also may not, in providing services funded by the Department of Justice or in outreach activities related to such services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations. In addition, Part 38 states that a faith-based organization that participates in a Department of Justice funded program retains its independence from the Government and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law.

Recipients and subrecipients that provide social services under this award must give written notice to beneficiaries and prospective beneficiaries prior to the provision of services (if practicable) which shall include language substantially similar to the language in 28 CFR Part 38, Appendix C, sections (1) through (4). A sample written notice may be found at https://www.ojp.gov/program/civil-rights-office/partnerships-faith-based-and-other-neighborhood-organizations.

In certain instances, a faith-based or religious organization may be able to take religion into account when making hiring decisions, provided it satisfies certain requirements. For more information, see "Nondiscrimination provisions and the Religious Freedom Restoration Act," accessible at https://www.ojp.gov/funding/explore/legaloverview2025/civilrightsrequirements.

Condition 3
Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

Condition 4
All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP website at https://ojp.gov/funding/Explore/SubawardAuthorization.htm (Award condition: All subawards ("subgrants") must have specific federal

authorization), and are incorporated by reference here.

Condition 5
Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold, as set forth in the Federal Acquisition Regulations (FAR). See the definition of simplified acquisition threshold in the FAR at 48 CFR part 2, subpart 2.1. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP website at https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed Simplified Acquisition Threshold)), and are incorporated by reference here.

Condition 6
Federal Civil Rights and Nondiscrimination Laws (certification)

The recipient agrees that its compliance with all applicable Federal civil rights and nondiscrimination laws is material to the government's decision to make this award and any payment thereunder, including for purposes of the False Claims Act (31 U.S.C. 3729-3730 and 3801-3812), and, by accepting this award, certifies that it does not operate any programs (including any such programs having components relating to diversity, equity, and inclusion) that violate any applicable Federal civil rights or nondiscrimination laws.

Condition 7
Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that a legal notice regarding award requirements is necessary or that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such notice or exception regarding enforcement, including any such notice or exception made during the period of performance, is (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqts.htm), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

Condition 8
Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

Condition 9
Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements"), including, without limitation, the provisions regarding termination in 2 C.F.R. 200.340, apply to this award from OJP.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at https://ojp.gov/funding/Part200UniformRequirements.htm.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.334.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

Condition 10
Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at https://oig.justice.gov/hotline/contact-grants.htm (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Fraud Detection Office, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at https://oig.justice.gov/hotline.

Condition 11
Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part

200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

Condition 12
Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

Condition 13
Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

Condition 14
Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at https://ojp.gov/financialguide/DOJ/index.htm), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

Condition 15
Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including 28 C.F.R. § 42.106(d), 28 C.F.R. § 42.405(c), and 28 C.F.R. § 42.505(f), which contain notice requirements that covered recipients must follow regarding the dissemination of information regarding federal nondiscrimination requirements.

Condition 16
Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at https://ojp.gov/funding/Explore/Interact-Minors.htm (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

Condition 17
Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

Condition 18
Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (https://www.e-verify.gov/) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

Condition 19
Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

Condition 20
Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

Condition 21
Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

Condition 22
OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at https://www.ojp.gov/funding/implement/training-guiding-principles-grantees-and-subgrantees.

Condition 23
Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope Grant Award Modification (GAM) to eliminate any inappropriate duplication of funding.

Condition 24
Required training for Grant Award Administrator and Financial Manager

The Grant Award Administrator and all Financial Managers for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2022, will satisfy this condition.

In the event that either the Grant Award Administrator or a Financial Manager for this award changes during the period of performance, the new Grant Award Administrator or Financial Manager must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after the date the Entity Administrator enters updated Grant Award Administrator or Financial Manager information in JustGrants. Successful completion of such a training on or after January 1, 2022, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for

purposes of this condition is available at https://onlinegfmt.training.ojp.gov/. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

Condition 25
Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

Condition 26
Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

Condition 27
Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "Personally Identifiable Information (PII)" (2 CFR 200.1) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

Condition 28
Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at https://www.sam.gov/. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at https://ojp.gov/funding/Explore/SAM.htm (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

Condition 29
Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

Condition 30
Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

Among other items, 28 C.F.R. § 54.140 contains notice requirements that covered recipients must follow regarding the dissemination of information regarding federal nondiscrimination requirements.

Condition 31
Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of $650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.

Condition 32
Copyright; Data rights

The recipient acknowledges that OJP reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use (in whole or in part, including in connection with derivative works), for Federal purposes: (1) any work subject to copyright developed under an award or subaward (at any tier); and (2) any rights of copyright to which a recipient or subrecipient (at any tier) purchases ownership with Federal support.

The recipient acknowledges that OJP has the right to (1) obtain, reproduce, publish, or otherwise use the data first produced under any such award or subaward; and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes. "Data" includes data as defined in Federal Acquisition Regulation (FAR) provision 52.227-14 (Rights in Data - General).

It is the responsibility of the recipient (and of each subrecipient (at any tier), if applicable) to ensure that the provisions of this condition are included in any subaward (at any tier) under this award.

The recipient has the responsibility to obtain from subrecipients, contractors, and subcontractors (if any) all rights and data necessary to fulfill the recipient's obligations to the Government under this award. If a proposed subrecipient, contractor, or subcontractor refuses to accept terms affording the Government such rights, the recipient shall promptly bring such refusal to the attention of the OJP program manager for the award and not proceed with the agreement in

question without further authorization from the OJP program office.

Condition 33
Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS

The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OJP awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS").

The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIIS") within SAM are posted on the OJP website at https://ojp.gov/funding/FAPIIS.htm (Award condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here.

Condition 34
FFATA reporting: Subawards and executive compensation
The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of $30,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are set forth in 2 C.F.R. part 170, Appendix A ("Award Term") and are incorporated by reference here.
This condition, including its reporting requirement, does not apply to-- (1) an award of less than $30,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
Note: In early March 2025, the reporting system that had been used for subaward reporting, the FFATA (Federal Funding Accountability and Transparency Act) Subaward Reporting System (FSRS) was retired and functionality moved to SAM.gov. For more information, including steps on how to connect your FSRS account to SAM.gov, visit https://sam.gov/fsrs.

Condition 35
Limit on use of grant funds for recipients' employees' salaries

With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)

This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.

Condition 36
Any website that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a web-based service, including any pages that provide results or outputs from the service:

"This website is funded [insert "in part," if applicable] through a grant from the [insert name of OJP component], Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this website (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided)."

The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may

be included through a link, entitled "Notice of Federal Funding and Federal Disclaimer," to the full text of the statement.

Condition 37
The recipient agrees to submit a final report at the end of this award documenting all relevant project activities during the entire period of support under this award. This report will include detailed information about the project(s) funded, including, but not limited to, information about how the funds were actually used for each purpose area, data to support statements of progress, and data concerning individual results and outcomes of funded projects reflecting project successes and impacts. The final report is due no later than 120 days following the close of this award period or the expiration of any extension periods. This report will be submitted to the Office of Justice Programs at https://justgrants.usdoj.gov/

Condition 38
The recipient shall submit semiannual performance reports. Performance reports shall be submitted within 30 days after the end of the reporting periods, which are June 30 and December 31, for the life of the award. These reports will be submitted to the Office of Justice Programs, on-line through the Internet at https://justgrants.usdoj.gov

Condition 39
Cooperating with OJP Monitoring

The recipient agrees to cooperate with OJP monitoring of this award pursuant to OJP's guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The recipient agrees to provide to OJP all documentation necessary for OJP to complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in actions that affect the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

Condition 40
The recipient agrees that it will submit quarterly financial status reports (the SF 425 Federal Financial Report) to OJP in JustGrants, no later than the deadlines set out in the DOJ Financial Guide and the JustGrants guidance (typically 30 days after the end of each calendar quarter). Delinquent reports may lead to funds being frozen and other remedies.

Condition 41
Confidentiality of data

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 34 U.S.C. 10231 and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23 for any applicable project.

Condition 42
The recipient's budget (and budget narrative) is pending clearance by OJP.

Prior to budget clearance (and unless there is a more restrictive condition on this award, in which case the terms of that more restrictive condition apply): The recipient may not drawdown more than 10% of the award. Pre-clearance obligations, expenditures, and drawdowns may be disallowed if not in compliance with program requirements.

The recipient should be judicious in using award funds prior to budget clearance. Generally, OJP expects that recipients (depending on the specific project scope) may need to advertise for award-funded positions, pay personnel and fringe benefits for positions budgeted under the award, plan for project activities, attend training and pay training-related travel needed to begin the project, and engage in other limited activities conducted by recipient staff (i.e., generally not requiring a subaward or procurement contract under an award).

OJP will issue an Award Condition Modification upon budget clearance.

Condition 43
The recipient may not expend, or draw down any award funds for indirect costs, unless and until either -- (1) the recipient submits to OJP a current, federally-approved indirect cost rate agreement, or (2) the recipient determines that it is eligible under the Part 200 Uniform Requirements to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and advises OJP in writing of both its eligibility and its election.

The financial review of the budget for this award is pending. If the OJP Office of the Chief Financial Officer (OCFO) determines as part of its financial review that the recipient already has submitted the documentation concerning indirect costs described above, this condition will be released through an Award Condition Modification (ACM) upon completion of the OCFO final budget review.

If the OJP OCFO instead determines as part of its financial review that the recipient has not yet submitted the required documentation concerning indirect costs, this condition will not be released until OJP (including its OCFO) receives and reviews a satisfactory submission.

Condition 44
As of the first day of the period of performance for the award, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum, all applicable withholding conditions are removed by OJP (via an Award Condition Modification (ACM)).

Except to the extent (if any) that an award condition expressly precludes reimbursement of project costs incurred "at-risk," if and when the recipient makes a valid acceptance of this award and OJP removes each applicable withholding condition through an Award Condition Modification (ACM), the recipient is authorized to reimburse itself for project costs incurred "at-risk" earlier during the period of performance (such as project costs incurred prior to award acceptance or prior to removal of an applicable withholding condition), provided that those project costs otherwise are allowable costs under the award.

Condition 45
OJJDP- Printing and Publications

The recipient shall submit to OJJDP a copy of all interim and final reports and proposed publications (including those prepared for conferences, journals, and other presentations) resulting from this award, for review and comment prior to publishing. Any publication produced with grant funds must contain the following statement: "This project was supported by Grant # ( ) awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect those of the Department of Justice. All reports and products may be required to display the OJJDP logo on the cover (or other location) with the agreement of OJJDP. OJJDP defines publications as any planned, written, visual or sound materials substantively based on the project, formally prepared by the award recipient for dissemination to the public.

Condition 46
All electronic and information technology materials developed or maintained under this award must be compliant with Section 508 of the Rehabilitation Act of 1973. Please refer to www.section508.gov for more detail.

[ ] *I have read and understand the information presented in this section of the Federal Award Instrument.*

Award Acceptance

Declaration and Certification to the U.S. Department of Justice as to Acceptance

By checking the declaration and certification box below, I--

A. Declare to the U.S. Department of Justice (DOJ), under penalty of perjury, that I have authority to make this

declaration and certification on behalf of the applicant.

B. Certify to DOJ, under penalty of perjury, on behalf of myself and the applicant, to the best of my knowledge and belief, that the following are true as of the date of this award acceptance: (1) I have conducted or there was conducted (including by applicant's legal counsel as appropriate and made available to me) a diligent review of all terms and conditions of, and all supporting materials submitted in connection with, this award, including any assurances and certifications (including anything submitted in connection therewith by a person on behalf of the applicant before, after, or at the time of the application submission and any materials that accompany this acceptance and certification); and (2) I have the legal authority to accept this award on behalf of the applicant.

C. Accept this award on behalf of the applicant.

D. Declare the following to DOJ, under penalty of perjury, on behalf of myself and the applicant: (1) I understand that, in taking (or not taking) any action pursuant to this declaration and certification, DOJ will rely upon this declaration and certification as a material representation; and (2) I understand that any materially false, fictitious, or fraudulent information or statement in this declaration and certification (or concealment or omission of a material fact as to either) may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the applicant to civil penalties and administrative remedies under the federal False Claims Act (including under 31 U.S.C. §§ 3729-3730 and/or §§ 3801-3812) or otherwise.

Agency Approval

Title of Approving Official	Name of Approving Official	Signed Date And Time
Deputy Assistant Attorney General	Maureen A. Henneberg	9/29/26 8:02 PM

Authorized Representative

☐ Declaration and Certification

Entity Acceptance

Title of Authorized Entity Official
no value

Signed Date And Time
no value

Department of Justice (DOJ)

Office of Community Oriented Policing Services (COPS Office)

Washington, D.C. 20531

Name and Address of Recipient:	CITY OF PORTSMOUTH NH 1 JUNKINS AVE
City, State and Zip:	PORTSMOUTH, NH 03801
Recipient UEI:	XTL2C874AZN7
Project Title: Portsmouth Police IT & Security	**Award Number:** 15JCOPS-26-GG-00535-TECP
Solicitation Title: FY26 COPS Technology and Equipment Program	
Federal Award Amount: $1,031,000.00	**Federal Award Date:** 9/25/26
Awarding Agency:	Office of Community Oriented Policing Services
Award Type:	Initial
Funding Instrument Type:	Grant
Opportunity Category: D	
Assistance Listing: 16.710 - Public Safety Partnership and Community Policing Grants	
Project Period Start Date: 1/23/26	**Project Period End Date:** 1/31/28
Budget Period Start Date: 1/23/26	**Budget Period End Date:** 1/31/28

Project Description:
The FY26 Technology and Equipment Program (TEP) provides funding to state, territorial, local, Tribal, and other entities designated under the heading Community Oriented Policing Services, Technology and Equipment Community Projects / COPS Law Enforcement Technology and Equipment in the Congressional Joint Explanatory Statement – Division C, which is incorporated by reference into Public Law 119-74, to develop and acquire effective law enforcement equipment, technologies and interoperable communications that assist in responding to and preventing crime and expand the implementation of community policing. Equipment funded under this program should meet any applicable requirements of the National Institute of Standards and Technology's Office of Law Enforcement Standards.

Award Letter

September 25, 2026

Dear Seth Tondreault,

On behalf of the Attorney General, it is my pleasure to inform you the Office of Community Oriented Policing Services (the COPS Office) has approved the application submitted by CITY OF PORTSMOUTH NH for an award under the funding opportunity entitled 2026 FY26 COPS Technology and Equipment Program. The approved award amount is $1,031,000.
Review the Award Instrument below carefully and familiarize yourself with all conditions and requirements before accepting your award. The Award Instrument includes the Award Offer (Award Information, Project Information, Financial Information, and Award Conditions) and Award Acceptance. For COPS Office and OVW funding the Award Offer also includes any Other Award Documents.

Please note that award requirements include not only the conditions and limitations set forth in the Award Offer, but

also compliance with assurances and certifications that relate to conduct during the period of performance for the award. These requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., specific restrictions on use of funds). Therefore, all key staff should receive the award conditions, the assurances and certifications, and the application as approved by the COPS Office, so that they understand the award requirements. Information on all pertinent award requirements also must be provided to any subrecipient of the award.

Should you accept the award and then fail to comply with an award requirement, DOJ will pursue appropriate remedies for non-compliance, which may include termination of the award and/or a requirement to repay award funds.

Prior to accepting the award, your Entity Administrator must assign a Financial Manager, Grant Award Administrator, and Authorized Representative(s) in the Justice Grants System (JustGrants). The Entity Administrator will need to ensure the assigned Authorized Representative(s) is current and has the legal authority to accept awards and bind the entity to the award terms and conditions. To accept the award, the Authorized Representative(s) must accept all parts of the Award Offer in the Justice Grants System (JustGrants), including by executing the required declaration and certification, within 45 days from the award date.

To access your funds, you will need to enroll in the Automated Standard Application for Payments (ASAP) system, if you haven't already completed the enrollment process in ASAP. The Entity Administrator should have already received an email from ASAP to initiate this process.

Congratulations, and we look forward to working with you.

Cory D. Randolph
COPS Office Deputy Director

Office for Civil Rights Notice for All Recipients

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) enforces federal civil rights laws and other provisions that prohibit discrimination by recipients of federal financial assistance from OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW).

Several civil rights laws, including Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, require recipients of federal financial assistance (recipients) to give assurances that they will comply with those laws. Taken together, these and other civil rights laws prohibit recipients from discriminating in the provision of services and employment because of race, color, national origin, religion, disability, and sex or from discriminating in the provision of services on the bases of age.

Some recipients of DOJ financial assistance have additional obligations to comply with other applicable nondiscrimination provisions like the Omnibus Crime Control and Safe Streets Act of 1968, which prohibits discrimination on the basis of religion in addition to race, color, national origin, and sex. Recipients may also have related requirements regarding the development and implementation of equal employment opportunity programs.

OCR provides technical assistance, training, and other resources to help recipients comply with civil rights obligations. Further, OCR administratively enforces civil rights laws and nondiscrimination provisions by investigating DOJ recipients that are the subject of discrimination complaints. In addition, OCR conducts compliance reviews of DOJ recipients based on regulatory criteria. These investigations and compliance reviews permit OCR to evaluate whether DOJ recipients are providing services to the public and engaging in employment practices in a nondiscriminatory manner.

For more information about OCR, your civil rights and nondiscrimination responsibilities, how to notify your employees or beneficiaries of their civil rights protections and responsibilities and how to file a complaint, as well as technical assistance, training, and other resources, please visit www.ojp.gov/program/civil-rights-office/outreach. If you would like OCR to assist you in fulfilling your civil rights or nondiscrimination responsibilities, please contact us at askOCR@ojp.usdoj.gov or www.ojp.gov/program/civil-rights-office/about#ocr-contacts.

Award Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Recipient Information

Recipient Name

UEI
XTL2C874AZN7

ORI Number

Street 1
1 JUNKINS AVE

Street 2

City
PORTSMOUTH

State/U.S. Territory
New Hampshire

Zip/Postal Code
03801

Country
United States

County/Parish

Province

Award Details

Federal Award Date
9/25/26

Award Type
Initial

Award Number
15JCOPS-26-GG-00535-TECP

Supplement Number
00

Federal Award Amount
$1,031,000.00

Funding Instrument Type
Grant

Assistance Listing Number	Assistance Listings Program Title
16.710	Public Safety Partnership and Community Policing Grants

Statutory Authority
Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Violent Crime Control and Law Enforcement Act of 1994, Title I, Part Q, Public Law 103-322, 34 U.S.C. § 10381 et seq.

[ ] *I have read and understand the information presented in this section of the Federal Award Instrument.*

Project Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Solicitation Title

Awarding Agency

Application Number
GRANT14702819

Grant Manager Name	Phone Number	E-mail Address
Tyler Turnbull	202-445-6351	tyler.turnbull@usdoj.gov

Project Title
Portsmouth Police IT & Security

Performance Period Start Date	Performance Period End Date
01/23/2026	01/31/2028

Budget Period Start Date	Budget Period End Date
01/23/2026	01/31/2028

Project Description
The FY26 Technology and Equipment Program (TEP) provides funding to state, territorial, local, Tribal, and other entities designated under the heading Community Oriented Policing Services, Technology and Equipment Community Projects / COPS Law Enforcement Technology and Equipment in the Congressional Joint Explanatory Statement – Division C, which is incorporated by reference into Public Law 119-74, to develop and acquire effective law enforcement equipment, technologies and interoperable communications that assist in responding to and preventing crime and expand the implementation of community policing. Equipment funded under this program should meet any applicable requirements of the National Institute of Standards and Technology's Office of Law Enforcement Standards.

[ ] *I have read and understand the information presented in this section of the Federal Award Instrument.*

Financial Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

A financial analysis of budgeted costs has been completed. All costs listed in the approved budget below were programmatically approved based on the final proposed detailed budget and budget narratives submitted by your agency to the COPS Office. Any adjustments or edits to the proposed budget are explained below.

Budget Clearance Date: 8/4/26 6:27 PM

Budget Summary

Budget Category	Proposed Budget	Change	Approved Budget	Percentages
Sworn Officer Positions:	$0	$0	$0	
Civilian or Non-Sworn Personnel:	$0	$0	$0	
Travel:	$0	$0	$0	

Equipment:	$886,900	$0	$886,900	
Supplies:	$144,100	$0	$144,100	
SubAwards:	$0	$0	$0	
Procurement Contracts:	$0	$0	$0	
Other Costs:	$0	$0	$0	
Total Direct Costs:	$1,031,000	$0	$1,031,000	
Indirect Costs:	$0	$0	$0	
Total Project Costs:	$1,031,000	$0	$1,031,000	
Federal Funds:	$1,031,000	$0	$1,031,000	100.00%
Match Amount:	$0	$0	$0	0.00%
Program Income:	$0	$0	$0	0.00%

[ ] *I have read and understand the information presented in this section of the Federal Award Instrument.*

Other Award Documents

National Environmental Policy Act (NEPA) Notice of Funding Opportunity Title: FY26 COPS Technology and Equipment Program NEPA Determination: Additional Information Required The Technology and Equipment Program (TEP) supports a range of activities through its funding for law enforcement technologies, interoperable communications, and related law enforcement and public safety equipment. As applicable, recipients of funding under this program must assist the Office of Community Oriented Policing Services (COPS Office) in complying with NEPA and other related federal environmental impact analyses requirements in the use of award funds, whether the funds are used directly by the recipient or a third party. Your agency's proposed project scope or location is such that your agency may need to complete an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS), as directed by COPS Office. Accordingly, prior to obligating funds for any of the activities specified below, your agency must first ensure compliance with all NEPA requirements. At this time, additional information is needed to determine if any of the following activities will be conducted by the recipient or a related third party under this COPS Office award: (1) new construction; (2) any property renovation or remodeling, including, but not limited to, a property: (a) listed in an environmentally or historically sensitive area; (b) listed on or eligible for listing on the National Register of Historic Places; or (c) located within a 100-year flood plain, a wetland, or habitat for an endangered species; (3) a renovation that will change the basic prior use of a facility or significantly change its size; or (4) research and technology whose anticipated and future application could be expected to have an effect on the environment. Please be sure to carefully review the award conditions and the TEP Award Owner's Manual for more information about environmental compliance. If you have any questions about this determination, please contact your COPS Office Grant Manager.

[ ] *I have read and understand the information presented in this section of the Federal Award Instrument.*

Award Conditions

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Condition 1
Restrictions on Internal Confidentiality Agreements: No recipient or subrecipient under this award, or entity that receives a contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts the lawful reporting of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information. Consolidated Appropriations Act, 2026, Public Law 119-75, Division E, Title VII, Section 742.

Condition 2
Compliance with 8 U.S.C. § 1373: Authority to obligate or expend contingent on compliance with this condition. State or local government entity recipients of this award, and any subrecipient of this award at any tier that is an entity of a State or of a unit of local government, must comply with 8 U.S.C. §1373, which provides that such entities may not prohibit, or in any way restrict, any government entity or official from sending to, receiving from, maintaining, or exchanging information regarding citizenship or immigration status, lawful or unlawful, of any individual with components of the U.S. Department of Homeland Security or any other federal, state or local government entity. This includes any prohibitions or restrictions imposed or established by a State or local government entity or official.

Any obligations or expenditures of a recipient or subrecipient that are impermissible under this condition shall be unallowable costs for purposes of this award.

References to the Immigration and Naturalization Service in 8 U.S.C. 1373 are to be read, as a legal matter, as references to components of the U.S. Department of Homeland Security.

Condition 3
Federal Civil Rights and Nondiscrimination Laws (certification): The recipient agrees that its compliance with all applicable Federal civil rights and nondiscrimination laws is material to the government's decision to make this award and any payment thereunder, including for purposes of the False Claims Act (31 U.S.C. 3729-3730 and 3801-3812), and, by accepting this award, certifies that it does not operate any programs (including any such programs having components relating to diversity, equity, and inclusion) that violate any applicable Federal civil rights or nondiscrimination laws.

Condition 4
Federal Laws, Presidential Memoranda, and Executive Orders: Recipients of grant funding must comply with all applicable federal laws and Presidential Memoranda and all Executive Orders by the President.

Condition 5
Award Monitoring Activities: Federal law requires that recipients receiving federal funding from the COPS Office must be monitored to ensure compliance with their award conditions and other applicable statutes and regulations. The COPS Office is also interested in tracking the progress of our programs and the advancement of community policing. Both aspects of award implementation—compliance and programmatic benefits—are part of the monitoring process coordinated by the U.S. Department of Justice. Award monitoring activities conducted by the COPS Office include site visits, enhanced office-based grant reviews, alleged noncompliance reviews, financial and programmatic reporting, and audit resolution. As a COPS Office award recipient, you agree to cooperate with and respond to any requests for information pertaining to your award. This includes all financial records, such as general accounting ledgers and all supporting documents. All information pertinent to the implementation of the award is subject to agency review throughout the life of the award, during the close-out process and for three-years after the submission of the final expenditure report. 2 C.F.R. §§ 200.334 and 200.337, and, as applicable, 34 U.S.C. § 10385(a).

Condition 6
Authorized Representative Responsibility: The recipient understands that, in accepting this award, the Authorized Representatives declare and certify, among other things, that they possess the requisite legal authority to accept the award on behalf of the recipient entity and, in so doing, accept (or adopt) all material requirements throughout the period of performance under this award. The recipient further understands, and agrees, that it will not assign anyone to the role of Authorized Representative during the period of performance under the award without first ensuring that the individual has the requisite legal authority.

Condition 7

Contract Provision: All contracts made by the award recipients under the federal award must contain the provisions required under 2 C.F.R. Part 200, Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards. Please see appendices in the Award Owner's Manual for a full text of the contract provisions.

Condition 8
Award Owner's Manual: The recipient agrees to comply with the terms and conditions in the applicable award year COPS Office Program Award Owner's Manual; DOJ Grants Financial Guide; COPS Office statute (34 U.S.C. § 10381, et seq.) as applicable; Students, Teachers, and Officers Preventing (STOP) School Violence Act of 2018 (34 U.S.C. § 10551, et seq.) as applicable; the requirements of 2 C.F.R. Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards), including subsequent changes, as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101; 48 C.F.R. Part 31 (FAR Part 31) as applicable (Contract Cost Principles and Procedures); the Cooperative Agreement as applicable; representations made in the application; and all other applicable program requirements, laws, orders, regulations, or circulars.

Failure to comply with one or more award requirements may result in remedial action including, but not limited to, withholding award funds, disallowing costs, suspending, or terminating the
award, or other legal action as appropriate.

Should any provision of a condition of this award be held to be invalid or unenforceable by its terms, then that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law (to any person or circumstance) under this award. Should it be held, instead, that a condition (or a provision thereof) is of utter invalidity or unenforceability, such condition (or such provision) shall be deemed severable from this award.

Condition 9
Federal Civil Rights: The recipient and any subrecipient must comply with applicable federal civil rights and nondiscrimination statutes and regulations including: Section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), as implemented in Subparts C and D of 28 C.F.R. Part 42; section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), as implemented in Subpart G of 28 C.F.R. Part 42; section 901 of the Education Amendments of 1972 (20 U.S.C. § 1681), as implemented in Subpart D of 28 C.F.R. Parts 42 and 54; section 303 of the Age Discrimination Act of 1975 (42 U.S.C. § 6102), as implemented in Subpart I of 28 C.F.R. Part 42; and section 809(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. § 10228(c)), as implemented in Subpart D of 28 C.F.R. Part 42. In addition to applicable federal statutes and regulations that pertain to civil rights and nondiscrimination, the recipient and any subrecipient must comply with the requirements in 28 C.F.R. Parts 22 (Confidentiality of Identifiable Research and Statistical Information); 28 C.F.R. Part 23 (Criminal Intelligence Systems Operating Policies); 28 C.F.R. Part 38 (Partnerships with Faith-Based and Other Neighborhood Organizations); and 28 C.F.R. Part 46 (Protection of Human Subjects). For an overview of the civil rights laws and nondiscrimination requirements in connection with your award, please see https://www.ojp.gov/program/civil-rights/overview.

Condition 10
Duplicative Funding: The recipient understands and agrees to notify the COPS Office if it receives, from any other source, funding for the same item or service also funded under this award.

Condition 11
Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and COPS Office authority to terminate award): The recipient and subrecipient agree to comply with the following requirements of 2 C.F.R. Part 175, Appendix A to Part 175 – Award Term:
I. Trafficking in Persons
(a) Provisions applicable to a recipient that is a private entity. (1) Under this award, the
recipient, its employees, subrecipients under this award, and subrecipient's employees must not engage in:
(i) Severe forms of trafficking in persons;
(ii) The procurement of a commercial sex act during the period of time that this award
or any subaward is in effect;
(iii) The use of forced labor in the performance of this award or any subaward; or
(iv) Acts that directly support or advance trafficking in persons, including the following acts:
(A) Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents;
(B) Failing to provide return transportation or pay for return transportation costs to an employee from a country outside

the United States to the country from which the employee was recruited upon the end of employment if requested by the employee, unless:
(1) Exempted from the requirement to provide or pay for such return transportation by the Federal department or agency providing or entering into the grant or cooperative agreement; or
(2) The employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action;
(C) Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment;
(D) Charging recruited employees a placement or recruitment fee; or
(E) Providing or arranging housing that fails to meet the host country's housing and safety standards.
(2) The Federal agency may unilaterally terminate this award or take any remedial actions authorized by 22 U.S.C. 7104b(c), without penalty, if any private entity under this award:
(i) Is determined to have violated a prohibition in paragraph (a)(1) of this appendix; or
(ii) Has an employee that is determined to have violated a prohibition in paragraph (a)(1) of this this appendix through conduct that is either:
(A) Associated with the performance under this award; or
(B) Imputed to the recipient or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by DOJ at 2 C.F.R. Part 2867.
(b) Provision applicable to a recipient other than a private entity. (1) The Federal agency may unilaterally terminate this award or take any remedial actions authorized by 22 U.S.C. 7104b(c), without penalty, if a subrecipient that is a private entity under this award:
(i) Is determined to have violated a prohibition in paragraph (a)(1) of this appendix; or
(ii) Has an employee that is determined to have violated a prohibition in paragraph (a)(1) of this appendix through conduct that is either:
(A) Associated with the performance under this award; or
(B) Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by 2 C.F.R. Part 2867.
(c) Provisions applicable to any recipient.
(1) The recipient must inform the Federal agency and the Inspector General of the Federal agency immediately of any information you receive from any source alleging a violation of a prohibition in paragraph (a)(1) of this appendix.
(2) The Federal agency's right to unilaterally terminate this award as described in paragraphs (a)(2) or (b)(1) of this appendix:
(i) Implements the requirements of 22 U.S.C. 78, and
(ii) Is in addition to all other remedies for noncompliance that are available to the Federal agency under this award.
(3) The recipient must include the requirements of paragraph (a)(1) of this award term in any subaward it makes to a private entity.
(4) If applicable, the recipient must also comply with the compliance plan and certification requirements in 2 CFR 175.105(b).
(d) Definitions. For purposes of this award term:
Employee means either:
(1) An individual employed by the recipient or a subrecipient who is engaged in the performance of the project or program under this award; or
(2) Another person engaged in the performance of the project or program under this award and not compensated by the recipient including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing requirements.
Private Entity means any entity, including for-profit organizations, nonprofit organizations, institutions of higher education, and hospitals. The term does not include foreign public entities, Indian Tribes, local governments, or states as defined in 2 CFR 200.1.
The terms "severe forms of trafficking in persons," "commercial sex act," "sex trafficking," "Abuse or threatened abuse of law or legal process," "coercion," "debt bondage," and "involuntary servitude" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

Condition 12

Termination: Recipient understands and agrees that the COPS Office may terminate funding, in whole or in part, for the following reasons:
(1) When the recipient fails to comply with the terms and conditions of a Federal award.
(2) When the recipient agrees to the termination and termination conditions.
(3) When the recipient provides the COPS Office written notification requesting termination including the reasons, effective date, and the portion of the award to be terminated. The COPS Office may terminate the entire award if the remaining portion will not accomplish the purposes of the award.
(4) Pursuant to any other award terms and conditions, including, when an award no longer effectuates the program goals or agency priorities to the extent such termination is authorized by law.
2. C.F.R. § 200.340.

Condition 13
Recipient Integrity and Performance Matters: For awards over $500,000, the recipient agrees to comply with the following requirements of 2 C.F.R. Part 200, Appendix XII to Part 200 – Award Term and Condition for Recipient Integrity and Performance Matters:
I. Reporting of Matters Related to Recipient Integrity and Performance
(a) General Reporting Requirement.
(1) If the total value of your active grants, cooperative agreements, and procurement contracts from all Federal agencies exceeds $10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient must ensure the information available in the responsibility/qualification records through the System for Award Management (SAM.gov), about civil, criminal, or administrative proceedings described in paragraph (b) of this award term is current and complete. This is a statutory requirement under section 872 of Public Law 110–417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111– 212, all information posted in responsibility/qualification records in SAM.gov on or after April 15, 2011 (except past performance reviews required for Federal procurement contracts) will be publicly available.
(b) Proceedings About Which You Must Report.
(1) You must submit the required information about each proceeding that—
(i) Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
(ii) Reached its final disposition during the most recent five-year period; and
(iii) Is one of the following—
(A) A criminal proceeding that resulted in a conviction;
(B) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more;
(C) An administrative proceeding that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of $5,000 or more or reimbursement, restitution, or damages in excess of $100,000; or
(D) Any other criminal, civil, or administrative proceeding if—
(1) It could have led to an outcome described in paragraph (b)(1)(iii)(A) through (C);
(2) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
(3) The requirement in this award term to disclose information about the proceeding does not conflict with applicable laws and regulations.
(c) Reporting Procedures. Enter the required information in SAM.gov for each proceeding described in paragraph (b) of this award term. You do not need to submit the information a second time under grants and cooperative agreements that you received if you already provided the information in SAM.gov because you were required to do so under Federal procurement contracts that you were awarded.
(d) Reporting Frequency. During any period of time when you are subject to the requirement in paragraph (a) of this award term, you must report proceedings information in SAM.gov for the most recent five-year period, either to report new information about a proceeding that you have not reported previously or affirm that there is no new information to report. If you have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than $10,000,000, you must disclose semiannually any information about the criminal, civil, and administrative proceedings.
(e) Definitions. For purposes of this award term—
Administrative proceeding means a nonjudicial process that is adjudicatory in nature to make a determination of fault or liability (for example, Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with the performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.
Conviction means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere. Total value of

currently active grants, cooperative agreements, and procurement contracts includes the value of the Federal share already received plus any anticipated Federal share under those awards (such as continuation funding).

Condition 14

Reporting Subawards and Executive Compensation: The recipient agrees to comply with the following requirements of 2 C.F.R. Part 170, Appendix A to Part 170 – Award Term:

I. Reporting Subawards and Executive Compensation

(a) Reporting of first-tier subawards—(1) Applicability. Unless the recipient is exempt as provided in paragraph (d) of this award term, the recipient must report each subaward that equals or exceeds $30,000 in Federal funds for a subaward to an entity or Federal agency. The recipient must also report a subaward if a modification increases the Federal funding to an amount that equals or exceeds $30,000. All reported subawards should reflect the total amount of the subaward.

(2) Reporting Requirements. (i) The entity or Federal agency must report each subaward described in paragraph (a)(1) of this award term to the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) at http://www.fsrs.gov.

(ii) For subaward information, report no later than the end of the month following the month in which the subaward was issued. (For example, if the subaward was made on November 7, 2025, the subaward must be reported by no later than December 31, 2025).

(b) Reporting total compensation of recipient executives for entities—(1) Applicability. The recipient must report the total compensation for each of the recipient's five most highly compensated executives for the preceding completed fiscal year if:

(i) The total Federal funding authorized to date under this Federal award equals or exceeds $30,000;

(ii) in the preceding fiscal year, the recipient received:

(A) 80 percent or more of the recipient's annual gross revenues from Federal procurement contracts (and subcontracts) and Federal awards (and subawards) subject to the Transparency Act; and

(B) $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal awards (and subawards) subject to the Transparency Act; and,

(iii) The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986 after receiving this subaward. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at http://www.sec.gov/answers/execomp.htm.)

(2) Reporting Requirements. The recipient must report executive total compensation described in paragraph (b)(1) of this appendix:

(i) As part of the recipient's registration profile at https://www.sam.gov.

(ii) No later than the month following the month in which this Federal award is made, and annually after that. (For example, if this Federal award was made on November 7, 2025, the executive total compensation must be reported by no later than December 31, 2025.)

(c) Reporting of total compensation of subrecipient executives—(1) Applicability. Unless a first-tier subrecipient is exempt as provided in paragraph (d) of this appendix, the recipient must report the executive total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if:

(i) The total Federal funding authorized to date under the subaward equals or exceeds $30,000;

(ii) In the subrecipient's preceding fiscal year, the subrecipient received:

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal awards (and subawards) subject to the Transparency Act; and,

(B) $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal awards (and subawards) subject to the Transparency Act; and

(iii) The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986 after receiving this subaward. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at http://www.sec.gov/answers/execomp.htm.)

(2) Reporting Requirements. Subrecipients must report to the recipient their executive total compensation described in paragraph

(c)(1) of this appendix. The recipient is required to submit this information to the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) at http://www.fsrs.gov no later than the end of the month following the month in which the subaward was made. (For example, if the subaward was made on November 7, 2025, the subaward must be reported by no later than December 31, 2025).
(d) Exemptions. (1) A recipient with gross income under $300,000 in the previous tax year is exempt from the requirements to report:
(i) Subawards, and
(ii) The total compensation of the five most highly compensated executives of any subrecipient.
(e) Definitions. For purposes of this award term:
Entity includes:
(1) Whether for profit or nonprofit:
(i) A corporation;
(ii) An association;
(iii) A partnership;
(iv) A limited liability company;
(v) A limited liability partnership;
(vi) A sole proprietorship;
(vii) Any other legal business entity;
(viii) Another grantee or contractor that is not excluded by subparagraph (2); and
(ix) Any State or locality;
(2) Does not include:
(i) An individual recipient of Federal financial assistance; or
(ii) A Federal employee.
Executive means an officer, managing partner, or any other employee holding a management position.
Subaward has the meaning given in 2 CFR200.1.
Subrecipient has the meaning given in 2CFR 200.1.
Total Compensation means the cash and noncash dollar value an executive earns during an entity's preceding fiscal year. This includes all items of compensation as prescribed in 17 CFR 229.402(c)(2).

Condition 15
Assurances and Certifications: The recipient acknowledges its agreement to comply with the Assurances and Certifications forms that were signed as part of its application.

Condition 16
Conflict of Interest: Recipients and subrecipients must disclose in writing to the COPS Office or pass-through entity, as applicable, any potential conflict of interest affecting the awarded federal funding in 2 C.F.R. § 200.112.

Condition 17
Debarment and Suspension: The recipient agrees not to award federal funds under this program to any party which is debarred or suspended from participation in federal assistance programs. 2 C.F.R. Part 180 (Government-wide Nonprocurement Debarment and Suspension) and 2 C.F.R. Part 2867 (DOJ Nonprocurement Debarment and Suspension).

Condition 18
Equal Employment Opportunity Plan (EEOP): Please see the Office for Civil Rights website https://www.ojp.gov/eeop-notice for current information on the recipient's responsibilities related to the federal regulations pertaining to the development and implementation of an Equal Employment Opportunity Plan.

Condition 19
Employment Eligibility: The recipient agrees to complete and keep on file, as appropriate, the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form (I-9). This form is to be used by recipients of federal funds to verify that persons are eligible to work in the United States. Immigration Reform and Control Act of 1986 (IRCA), Public Law 99-603.

Condition 20
Enhancement of Contractor Protection from Reprisal for Disclosure of Certain Information: Recipients and

subrecipients agree not to discharge, demote, or otherwise discriminate against an employee as reprisal for the employee disclosing information that he or she reasonably believes is evidence of gross mismanagement of a federal contract or award, a gross waste of federal funds, an abuse of authority relating to a federal contract or award, 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 award. Recipients and subrecipients also agree to provide to their employees in writing (in the predominant native language of the workforce) of the rights and remedies provided in 41 U.S.C. § 4712. Please see appendices in the Award Owner's Manual for a full text of the statute.

Condition 21
False Statements: False statements or claims made in connection with COPS Office awards may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any other remedy available by law. 31 U.S.C. § 3729-3733.

Condition 22
Mandatory Disclosure: Recipients and subrecipients must timely disclose in writing to the Federal awarding agency or pass-through entity, as applicable, all federal criminal law violations involving fraud, bribery, or gratuity that may potentially affect the awarded federal funding. Recipients that receive an award over $500,000 must also report certain civil, criminal, or administrative proceedings in SAM and are required to comply with the Term and Condition for Recipient Integrity and Performance Matters as set out in 2 C.F.R. Part 200, Appendix XII to Part 200. Failure to make required disclosures can result in any of the remedies, including suspension and debarment, described in 2 C.F.R. § 200.339. 2 C.F.R. § 200.113.

Condition 23
Reports/Performance Goals: To assist the COPS Office in monitoring and tracking the performance of your award, your agency will be responsible for submitting semi-annual programmatic performance reports that describe project activities during the reporting period and quarterly Federal Financial Reports using Standard Form 425 (SF-425). 2 C.F.R. §§ 200.328 - 200.329. The performance report is used to track your agency's progress in implementing the award, and, as applicable, community policing strategies including gauging the effectiveness of your agency's community policing capacity. The Federal Financial Report is used to track the expenditures of the recipient's award funds on a cumulative basis throughout the life of the award.

Condition 24
System for Award Management (SAM.gov) and Universal Identifier Requirements: The recipient agrees to comply with the following requirements of 2 C.F.R. Part 25, Appendix A to Part 25 – Award Term:
I. System for Award Management (SAM.gov) and Universal Identifier Requirements
(a) Requirement for System for Award Management. (1) Unless exempt from this requirement under 2 CFR 25.110, the recipient must maintain a current and active registration in SAM.gov. The recipient's registration must always be current and active until the recipient submits all final reports required under this Federal award or receives the final payment, whichever is later. The recipient must review and update its information in SAM.gov at least annually from the date of its initial registration or any subsequent updates to ensure it is current, accurate, and complete. If applicable, this includes identifying the recipient's immediate and highest-level owner and subsidiaries and providing information about the recipient's predecessors that have received a Federal award or contract within the last three years.
(b) Requirement for Unique Entity Identifier (UEI). (1) If the recipient is authorized to make subawards under this Federal award, the recipient:
(i) Must notify potential subrecipients that no entity may receive a subaward until the entity has provided its UEI to the recipient.
(ii) Must not make a subaward to an entity unless the entity has provided its UEI to the recipient. Subrecipients are not required to complete full registration in SAM.gov to obtain a UEI.
(c) Definitions. For the purposes of this award term:
System for Award Management (SAM.gov) means the Federal repository into which a recipient must provide the information required for the conduct of business as a recipient. Additional information about registration procedures may be found in SAM.gov (currently at https://www.sam.gov).
Unique entity identifier means the universal identifier assigned by SAM.gov to uniquely identify an entity.
Entity is defined at 2 CFR 25.400 and includes all of the following types as defined in 2 CFR 200.1:
(1) Non-Federal entity;

(2) Foreign organization;
(3) Foreign public entity;
(4) Domestic for-profit organization; and
(5) Federal agency.
Subaward has the meaning given in 2 CFR 200.1.
Subrecipient has the meaning given in 2 CFR 200.1.

Condition 25
Additional High-Risk Recipient Requirements: The recipient agrees to comply with any additional requirements that may be imposed during the award performance period if the awarding agency determines that the recipient is a high-risk recipient. 2 C.F.R. § 200.208.

Condition 26
Criminal Intelligence Systems: Recipients using award funds to operate an interjurisdictional criminal intelligence system must comply with the operating principles of 28 C.F.R. Part 23. At the time of application, the recipient assured the COPS Office that it will comply with the requirements of 28 C.F.R. Part 23.

Condition 27
Allowable Costs: The funding under this award is for the payment of approved costs for program-specific purposes. The allowable costs approved for your agency's award are limited to those listed in your agency's award package. In accordance with 2 C.F.R. § 200.400(g), the recipient or subrecipient must not earn or keep any profit resulting from the award. Your agency may not use award funds for any costs not identified as allowable in the award package.

Condition 28
Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment: Recipient agrees that it, and its subrecipients, will not use award funds to extend, renew, or enter into any contract to procure or obtain any covered telecommunication and video surveillance services or equipment as described in 2 CFR §200.216. Covered services and equipment include telecommunications or video surveillance services or equipment produced or provided by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities); Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities); or an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of China. The use of award funds on covered telecommunications or video surveillance services or equipment are unallowable.
2. C.F.R. § § 200.216 & 471. See also Section 889 of the John S. McCain National Defense Authorization Act of Fiscal Year 2019, Public Law 115-232.

Condition 29
Sole Source Justification: Recipients who have been awarded funding for the procurement of an item (or group of items) or service in excess of the simplified acquisition threshold (currently, $350,000) and who plan to seek approval for use of a noncompetitive procurement process must provide a written sole source justification to the COPS Office for approval prior to obligating, expending, or drawing down award funds for that item or service. 2 C.F.R. § 200.325(b)(2).

Condition 30
Buy America Preference
Recipients of an award of Federal financial assistance for the construction, alteration, maintenance, or repair of infrastructure are hereby notified that none of the funds provided under this award may be used for an infrastructure project unless:
(1) All iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;

(2) All manufactured products used in the project are produced in the United States— this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard that meets or exceeds this standard has been established under applicable law or regulation for determining the minimum amount of domestic content of the manufactured product; and

(3) All construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The construction material standards are listed below.

Incorporation into an infrastructure project. The Buy America Preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America Preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

Categorization of articles, materials, and supplies. An article, material, or supply should only be classified into one of the following categories: (i) Iron or steel products; (ii) Manufactured products; (iii) Construction materials; or (iv) Section 70917(c) materials. An article, material, or supply should not be considered to fall into multiple categories. In some cases, an article, material, or supply may not fall under any of the categories listed in this paragraph. The classification of an article, material, or supply as falling into one of the categories listed in this paragraph must be made based on its status at the time it is brought to the work site for incorporation into an infrastructure project. In general, the work site is the location of the infrastructure project at which the iron, steel, manufactured products, and construction materials will be incorporated.

Application of the Buy America Preference by category. An article, material, or supply incorporated into an infrastructure project must meet the Buy America Preference for only the single category in which it is classified.

Determining the cost of components for manufactured products. In determining whether the cost of components for manufactured products is greater than 55 percent of the total cost of all components, use the following instructions:

(a) For components purchased by the manufacturer, the acquisition cost, including transportation costs to the place of incorporation into the manufactured product (whether or not such costs are paid to a domestic firm), and any applicable duty (whether or not a duty-free entry certificate is issued); or

(b)For components manufactured by the manufacturer, all costs associated with the manufacture of the component, including transportation costs as described in paragraph (a), plus allocable overhead costs, but excluding profit. Cost of components does not include any costs associated with the manufacture of the manufactured product.

Construction material standards. The Buy America Preference applies to the following construction materials incorporated into infrastructure projects. Each construction material is followed by a standard for the material to be considered "produced in the United States." Except as specifically provided, only a single standard should be applied to a single construction material.

(1) Non-ferrous metals. All manufacturing processes, from initial smelting or melting through final shaping, coating, and assembly, occurred in the United States.

(2) Plastic and polymer-based products. All manufacturing processes, from initial combination of constituent plastic or polymer-based inputs, or, where applicable, constituent composite materials, until the item is in its final form, occurred in the United States.

(3) Glass. All manufacturing processes, from initial batching and melting of raw materials through annealing, cooling, and cutting, occurred in the United States.

(4) Fiber optic cable (including drop cable). All manufacturing processes, from the initial ribboning (if applicable), through buffering, fiber stranding and jacketing, occurred in the United States. All manufacturing processes also include the standards for glass and optical fiber, but not for non-ferrous metals, plastic and polymer-based products, or any others.

(5) Optical fiber. All manufacturing processes, from the initial preform fabrication stage through the completion of the draw, occurred in the United States.

(6) Lumber. All manufacturing processes, from initial debarking through treatment and planing, occurred in the United States.

(7) Drywall. All manufacturing processes, from initial blending of mined or synthetic gypsum plaster and additives through cutting and drying of sandwiched panels, occurred in the United States.

(8) Engineered wood. All manufacturing processes from the initial combination of constituent materials until the wood product is in its final form, occurred in the United States.

Waivers.
When necessary, recipients may apply for, and the Office of Community Oriented Policing Services (COPS Office) may grant, a waiver from these requirements.

The COPS Office may waive the application of the Buy America Preference when it has determined that one of the following exceptions applies:

(1) applying the Buy America Preference would be inconsistent with the public interest;
(2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
(3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the Buy America Preference must be in writing. If requested, the COPS Office will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office.

Recipients do not need to obtain a waiver of the Buy America Preference requirements from the COPS Office if they will use only iron, steel, manufactured products, and construction materials that meet the criteria as specified above for the project.

If a recipient determines a waiver is necessary, an application for a waiver should be submitted as soon as possible and provide detailed information to expedite the COPS Office's review. Recipients agree not to obligate, expend or draw down funds for infrastructure projects or activities unless they comply with the Buy America Preference requirements or request and obtain a waiver of the requirements from the COPS Office.

If you have any questions about this requirement or requesting a waiver of the requirement, please contact your COPS Office Program Manager at 800-421-6770.

Condition 31
Domestic preferences for procurements: Recipient agrees that it, and its subrecipients, to the greatest extent practicable, will provide a preference for the purchase, acquisition, or use of goods, products, and materials produced in, and services offered in, the United States. 2. C.F.R. § 200.322 and Executive Order 14005, Ensuring the Future is Made in All of America by All of America's Workers, January 25, 2021.

Condition 32
Requirement to report actual or imminent breach of personally identifiable information (PII).

The recipient (and any subrecipient at any tier) must have written procedures in place to respond in the event of an actual or imminent breach (as defined in OMB M-17-12) if it (or a subrecipient)-- 1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of personally identifiable information (PII) (as defined in 2 C.F.R. 200.1) within the scope of a COPS Office grant-funded program or activity, or 2) uses or operates a Federal information system (as defined in OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to the recipient's COPS Office Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

Condition 33
Community Policing: Community policing activities to be initiated or enhanced by your agency were identified and described in your award application. All equipment, technology, training, and civilian positions awarded under your agency's COPS Office award must be linked to the implementation or enhancement of community policing. 34 U.S.C. § 10382 (c)(10).

Condition 34
Travel Costs: Travel costs for transportation, lodging and subsistence, and related items are allowable with prior approval from the COPS Office. Payment for allowable travel costs will be in accordance with 2 C.F.R. § 200.475.

Condition 35
The Paperwork Reduction Act Clearance and Privacy Act Review: Recipient agrees, if required, to submit all surveys, interview protocols, and other information collections to the COPS Office for submission to the Office of Management and Budget (OMB) for clearance under the Paperwork Reduction Act (PRA). Before submission to OMB, all information collections that request personally identifiable information must be reviewed by the COPS Office to ensure compliance with the Privacy Act. The Privacy Act compliance review and the PRA clearance process may take several months to complete. 44 U.S.C. §§ 3501-3520 and 5 U.S.C. § 552a.

Condition 36
Evaluations: The COPS Office may conduct monitoring or sponsor national evaluations of its award programs. The recipient agrees to cooperate with the monitors and evaluators. 34 U.S.C. § 10385(b).

Condition 37
Extensions: Recipients may request an extension of the award period to receive additional time to implement their award program. Such extensions do not provide additional funding. Only those recipients that can provide a reasonable justification for delays will be granted no-cost extensions. Extension requests must be received prior to the end date of the award. 2 C.F.R. §§ 200.308(f)(10) and 200.309.

Condition 38
Supplementing, not Supplanting: State, local, and tribal government recipients must use award funds to supplement, and not supplant, state, local, or Bureau of Indian Affairs (BIA) funds that are already committed or otherwise would have been committed for award purposes (hiring, training, purchases, and/or activities) during the award period. In other words, state, local, and tribal government recipients may not use COPS Office funds to supplant (replace) state, local, or BIA funds that would have been dedicated to the COPS Office-funded item(s) in the absence of the COPS Office award. 34 U.S.C. § 10384(a).

Condition 39
Modifications: Award modifications are evaluated on a case-by-case basis in accordance with 2 C.F.R. § 200.308(i). For federal awards in excess of the simplified acquisition threshold (currently, $350,000), any modification request involving the reallocation of funding between budget categories that exceed or are expected to exceed 10 percent (10%) of the total approved budget requires prior written approval by the COPS Office. Regardless of the federal award amount or budget modification percentage, any reallocation of funding is limited to approved budget categories. In addition, any budget modification that changes the scope of the project requires prior written approval by the COPS Office.

Condition 40
State Information Technology Point of Contact: The recipient agrees to ensure that the appropriate State Information Technology Point of Contact receives written notification regarding any technology or information-sharing project funded by this award during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these award funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to https://it.ojp.gov/technology-contacts.

Condition 41
Computer Network Requirement: The recipient understands and agrees that no award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography. Nothing in this requirement limits the use of funds necessary for any federal, state, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities. Commerce, Justice, Science; Energy and Water Development; and Interior and Environment Appropriations Act, 2026, Public Law 119-74, Division A, Title V, Section 527.

Condition 42
Contracts and/or MOUs with Other Jurisdictions: Items funded under this award must only be used for law enforcement activities or services that benefit your agency and the population that it serves and cannot be utilized by other agencies unless the items benefit the population that your agency serves.

Condition 43
Unmanned Aircraft Systems: Recipients using award funding for Unmanned Aircraft Systems (UAS) understand and agree to the following:
1. Any UAS purchased must be one manufactured by an entity included, as of the date of purchase on the U.S. Department of War, Defense Contract Management Agency (DCMA) Blue UAS Cleared List (available at https://bluelist.appsplatformportals.us/);
2. Any UAS purchased must not be manufactured by an entity that will be included, as of the date of purchase, on the International Trade Administration of the Department of Commerce's Consolidated Screening List (available at https://www.trade.gov/consolidated-screening-list);
3. No modifications or additional accessories that are not on the DCMA Blue UAS Cleared List will be introduced to the purchased UAS. Further, the applicant understands that the entity operating the UAS must have sufficient policies and procedures regarding privacy, civil liberties, and information technology cybersecurity related to the operation of the UAS; and
4. Counter-UAS or activities are unallowable under this program.
For the purpose of this award condition, the terms "unmanned aircraft system," "drone," and "unmanned aerial vehicle" all have the meaning given to the term "unmanned aircraft system" in 49 U.S.C. § 44801(12). The term "counter-UAS" has the meaning given to the term "counter-UAS system "in 49 U.S.C. § 44801(5).

Condition 44
Compliance with National Environmental Policy Act and related statutes: Upon request, the recipient must assist the COPS Office in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds. Accordingly, the recipient agrees to determine if new construction or renovation or remodeling of a property will be funded by the grant, and if so, agrees to comply with all NEPA requirements prior to obligating, expending, or drawing down award funds for any award purposes. The recipient understands and agrees that complying with NEPA may require the preparation of an environmental study, including an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS), as directed by the COPS Office. The NEPA compliance process may take several months to complete. 42 U.S.C. §§ 4321 et seq.

Condition 45
National Environmental Policy Act (NEPA) withholding
The recipient acknowledges that compliance with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements are required for use of these award funds. The recipient understands and agrees that complying with NEPA may require the preparation of an environmental study, including an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS), as directed by the COPS Office. The NEPA compliance process may take several months to complete. 42 U.S.C. §§ 4321 et seq. The recipient agrees not to obligate, expend or draw down funds for any NEPA triggering activity that requires NEPA compliance such as new construction, renovation, or remodeling of a property until it has complied with all NEPA requirements, and the COPS Office has issued an Award Condition Modification (ACM) to remove this award condition.

[ ] *I have read and understand the information presented in this section of the Federal Award Instrument.*

Award Acceptance

Declaration and Certification to the U.S. Department of Justice as to Acceptance

By checking the declaration and certification box below, I--

A. Declare to the U.S. Department of Justice (DOJ), under penalty of perjury, that I have authority to make this declaration and certification on behalf of the applicant.

B. Certify to DOJ, under penalty of perjury, on behalf of myself and the applicant, to the best of my knowledge and belief, that the following are true as of the date of this award acceptance: (1) I have conducted or there was conducted (including by applicant's legal counsel as appropriate and made available to me) a diligent review of all terms and conditions of, and all supporting materials submitted in connection with, this award, including any assurances and certifications (including anything submitted in connection therewith by a person on behalf of the applicant before, after, or at the time of the application submission and any materials that accompany this acceptance and certification); and (2) I have the legal authority to accept this award on behalf of the applicant.

C. Accept this award on behalf of the applicant.

D. Declare the following to DOJ, under penalty of perjury, on behalf of myself and the applicant: (1) I understand that, in taking (or not taking) any action pursuant to this declaration and certification, DOJ will rely upon this declaration and certification as a material representation; and (2) I understand that any materially false, fictitious, or fraudulent information or statement in this declaration and certification (or concealment or omission of a material fact as to either) may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the applicant to civil penalties and administrative remedies under the federal False Claims Act (including under 31 U.S.C. §§ 3729-3730 and/or §§ 3801-3812) or otherwise.

Agency Approval

Title of Approving Official	Name of Approving Official	Signed Date And Time
COPS Office Deputy Director	Cory D. Randolph	9/23/26 8:04 PM

Authorized Representative

☐ Declaration and Certification (Law Enforcement Executive/Program Official)

Entity Acceptance

Title of Authorized Entity Official
no value

Name of Authorized Entity Official
no value

Signed Date And Time
no value

☐ Declaration and Certification (Government Executive/Financial Official)

Entity Acceptance

Title of Authorized Entity Official
City Manager

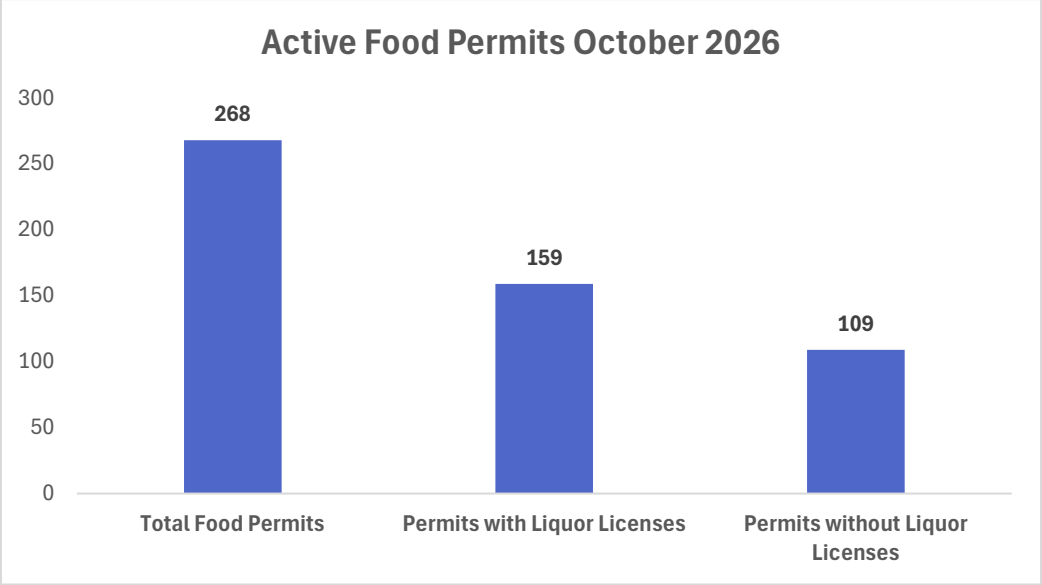
Name of Authorized Entity Official
no value

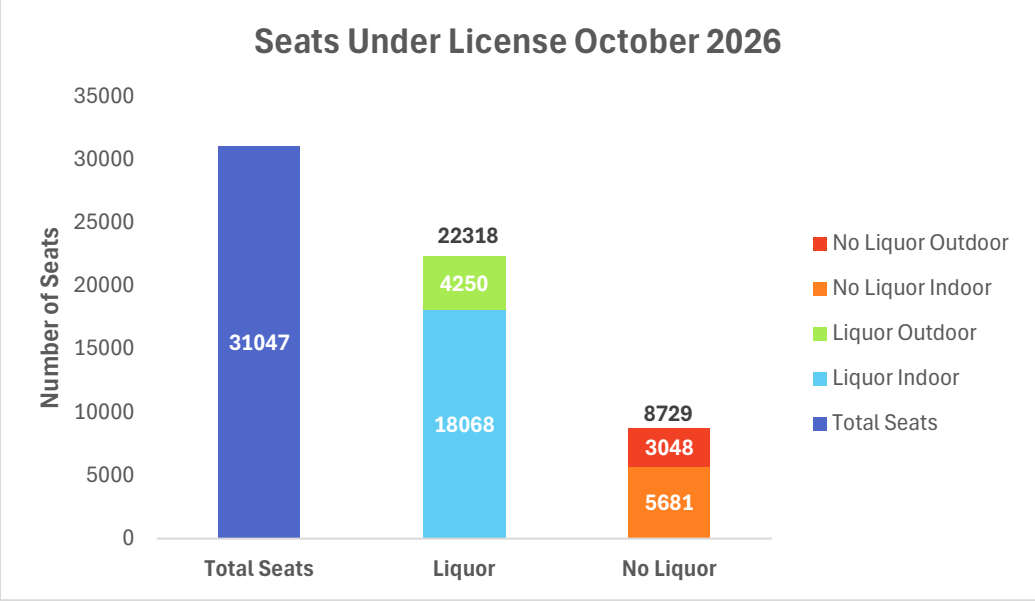
Signed Date And Time
no value

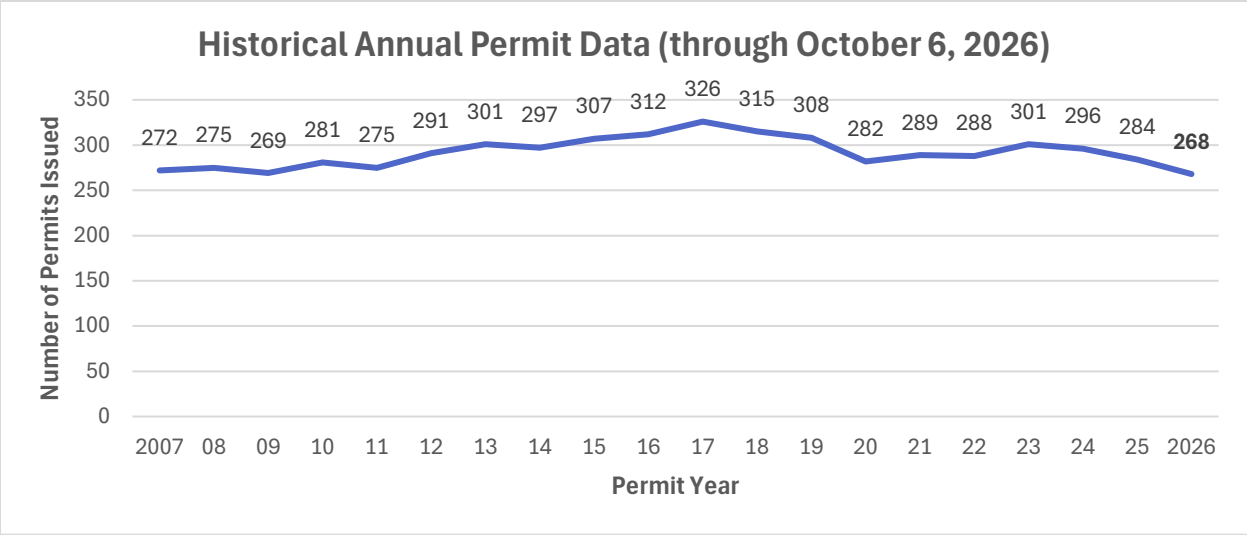
Memo

To: Karen Conard, City Manager
Kim McNamara, Health Officer
From: Kristin Shaw, Deputy Health Officer
Date: October 21, 2026
Re: Food Permits

Please find the updated Food and Liquor permit data as of October 7, 2026, after annual renewals. These numbers do not include seasonal permits, farmers' market permits, or temporary event permits.







Please let me know if you have any additional questions. As always, seat numbers are self-reported, and we have new businesses going through the permitting process (approximately 6 in the permitting pipeline, 3 of them are change of ownership.)

These numbers indicate a decrease from 2025; contributors include:

- 11 brick and mortar closures
    - Includes 2 caterers, a private yacht club, 3 sandwich shops, 3 restaurants, 2 retail stores)
- 3 change-of-ownership closures – currently in permitting pipeline
- 1 temporary closure – Gilly's for street reconstruction
- 3 mobile units did not renew their annual licenses
- 2 mobile units changed to seasonal licenses (not included here)

Downtown Parking

City Council Quarterly Report

Resident Access Parking Program (RAPP) and Downtown Workforce Parking Program (DWPP) update, resident feedback, and a new downtown business option

October 26, 2026

Policy amended September 28, 2026
Additional amendments effective October 1, 2026

RAPP update: residents still a priority

~80%
of parking on RAPP program streets is residents

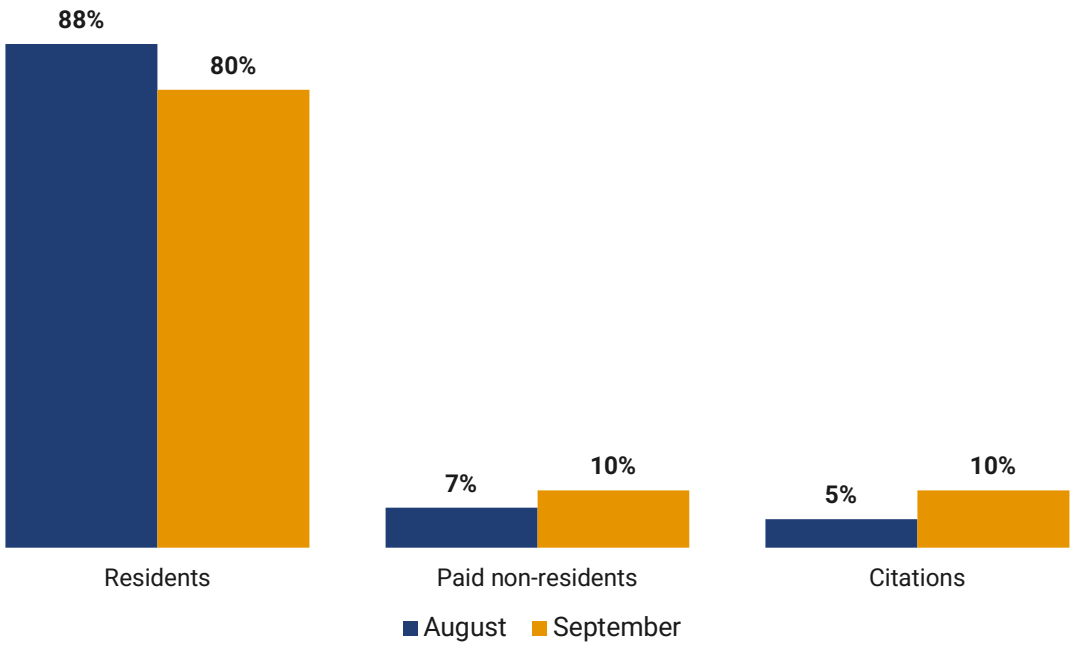
+23%
more midday availability on program streets

+26%
more evening availability on program streets

- Residents remain the clear majority of parkers on the RAPP streets. Their share eased from 88% in August to about 80% in September as more non-residents pay and enforcement addresses non-payers.
- Roughly 23% more parking is open at midday and in the evening than before the pilot, because all-day non-resident parking has moved off these streets.
- Early mornings remain steady, since residents were already parked at home overnight.

Spillover is fading, and more drivers are paying

Share of transactions on RAPP streets



Spillover has largely faded.

Early on, surrounding streets had up to 8% less availability. That is now under 2%, so the pilot has not pushed parking into nearby neighborhoods.

More non-residents are paying, and enforcement is ramping up.

In July the City issued 380 warnings and 189 citations, mostly on Parrott Avenue.

Foundry workforce participation is up 51%.

From 450 in FY26 to about 680 since RAPP began on July 1, a sign that workers who had used RAPP-area spaces have relocated to the Foundry Garage.

Downtown Workforce (DWPP) participation is growing

718
downtown workers enrolled in the program

7% → 12%
Parrott Avenue paid sessions that are workforce

~6.9 hrs
average workforce stay on Parrott Avenue

- The Foundry Garage remains the primary workforce venue. Of the 718 enrolled, most use the Foundry sticker; 53 have registered for the Parrott Avenue pilot.
- On Parrott Avenue, the workforce share of paid sessions nearly doubled from July to September, with an average stay just under 7 hours, consistent with a mix of full-time and part-time shifts.
- Under the amended policy (effective October 1), the Foundry sticker is $3 for up to 12 hours, and workers may buy up to 26 per month.

Other observations in the data

The Parrott Avenue Lot

- Under the amended policy, non-residents are no longer permitted to park in the lot. **The Lot is for registered residents and registered downtown workers.**
- Early counts still show a core of non-resident and out-of-state vehicles (Maine, Massachusetts, and others), so compliance and enforcement are still ramping up.
- This is a place to watch as the restriction takes hold.

Enforcement

- Information flyers came first, then warnings, followed by citations.
- Parrott Avenue and the South End see the most enforcement activity.
- The citation rate has declined over the course of the program as users have adjusted their behavior.

The overall pilot is doing what it was designed to do: more availability for residents, minimal spillover, and a workable paid option for everyone else.

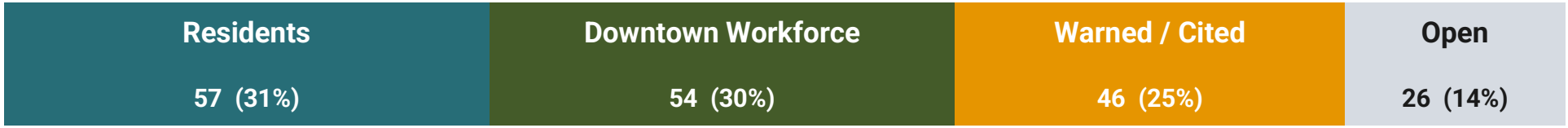
The Parrott Avenue Lot is no longer full

100% → 86%
occupancy, before and after October 1

14%
of spaces open on average (was near zero)

85%
the healthy-occupancy benchmark, now met

Average weekday composition of the 183-space lot, after October 1



- Before October 1, the lot was at nearly 100% occupancy, full for much of the day. With the focus on registered resident and workforce, it has settled near 86%, right at the 85% benchmark for a healthy lot, so about one space in seven is open.
- The lot now serves its intended users: registered residents (31%) and the downtown workforce (30%), a roughly even split. About a quarter of vehicles are still non-compliant and are being warned or cited; as enforcement continues, those spaces open for residents and workforce.

What we are hearing from residents

Sudbury Street

- Residents on Sudbury Street have asked to be included in the RAPP Program.
- The street has 5 on-street spaces.

Richards Avenue and Parrott Avenue

- Residents on Richards Avenue, north of Parrott Avenue have asked that the Parrott Avenue spaces from Richards Avenue to the Library entrance return to 72-hour parking for registered residents.
- Richards Avenue (north of Parrott Avenue) is posted no parking on both sides, and driveways are limited; these residents rely on those spaces.

For Council to weigh: *both requests are being evaluated. Hearing and responding to this kind of resident feedback is part of what the pilot is for.*

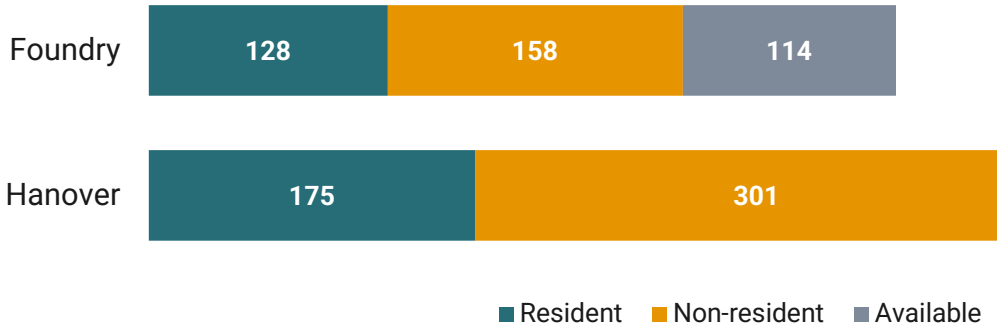
Monthly Pass Status

Monthly passes in the Foundry and Hanover garages

303
resident monthly passes

459
non-resident monthly passes

338
monthly passes still available



Foundry
286 of 400 sold (72%)
128 resident, 158 non-resident
114 available

Hanover
476 of 700 sold (68%)
175 resident, 301 non-resident
224 available

Takeaway: 762 of the 1,100 monthly passes are sold (69%), leaving 338 available, and non-residents hold the majority. On-street and lot inventory will be added as it is compiled.

A new option for downtown businesses outside the DWPP

Who the DWPP now serves

The amended policy focuses the deep discount for employees of restaurants, retail, personal service, and hospitality businesses, and their owners.

Workers from prior DWPP businesses in clerical and support roles are covered through March 1, 2027.

The gap, and a proposed fix

Other downtown businesses, such as offices and professional services, no longer qualify for the $3 rate.

Proposed: a $10 sticker for a 10-hour weekday only in the Foundry Garage, open to those businesses.

Offered in the Foundry, which has room at peak (66%), not Hanover (near full at 94%).

How the Foundry options compare, for a workday

$3

DWPP sticker, up to 12 hours (qualifying businesses)

$10

Proposed sticker, 10 hours, weekday only (downtown businesses)

~$20

Standard rate, 10 hours at $2 per hour

The proposed Downtown Business 10-hour weekday sticker is a 50% discount on the standard rate.

Next Steps

1. Continue the RAPP, DWPP, and Parrott Avenue Lot pilots and report to Council quarterly.
2. Evaluate resident requests to adjust the RAPP zone (Sudbury Street, and Parrott Avenue near Richards).
3. Decide on the proposed $10 Foundry weekday only sticker for businesses outside the DWPP.
4. Continue enforcement, and keep watching spillover, citations, and workforce participation.

The parking system is a delicate balance, especially until we add supply. We will keep listening, measuring, and adjusting to serve residents, businesses, workers, and visitors.