



Portsmouth, NH City Council

Eileen Dondero Foley Council Chambers

City Hall Complex, 1 Junkins Avenue, Portsmouth, NH

Monday, August 17, 2026 at 7:00 p.m.

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_OkQVcfvR--ZVvm-kTtx_g

Anticipated Non-Public Session

5:00 p.m. - Anticipated Non-Public Session is being held in Conference Room A in accordance with RSA 91-A:3, II (a)

Agenda

Page

1. **Work Session - Parking 6:00 p.m.**

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. August 3, 2026, Minutes of the City Council [FINAL DRAFT August 3, 2026 Minutes and Actions.pdf](#) 

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(Sample motion – move to accept and approve the minutes of the August 3, 2026, City Council meeting)

8. **Recognitions and Volunteer Committee Reports**

- A. Proclamations
- National Service Dog Month – Brendan Madden [National Service Dog Proclamation 2026.pdf](#) 
- B. Recognitions

19

- *Portsmouth Little League

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. First Reading to Amend Chapter 10, ZONING ORDINANCE, Article 2 – Administration and Enforcement, Section 10.234 – Procedures for Variances, Special Exceptions and Appeals from Decisions of the Code Official; Section 10.246 Expiration and Abandonment of Approvals and Section 10.1017.70 Expiration and Extension 20
[10.A Chapter 10 Zoning.pdf](#)

(Sample motion – move to pass first reading and schedule a public hearing and second reading for September 14, 2026)

- B. First Reading Amending Chapter 7, Vehicles, Traffic and Parking, Article III, Traffic Ordinance, Section 7.330 A, No Parking, and Section 7.336 A, One-Way Streets (Fleet Street Section 1 Reconstruction) 23
[10.B Section 7.330A no parking.pdf](#) [10.B Fleet St one way map.pdf](#) [10.B Section 7.336 A fleet street one-way.pdf](#)

(Sample motion - move to pass first reading and schedule a public hearing and second reading at the September 14, 2026, City Council meeting regarding an amendment to CHAPTER 7, VEHICLES, TRAFFIC AND PARKING, ARTICLE III, TRAFFIC ORDINANCE, Section 7.330 A, No Parking, which will move the parking spaces from the west to the east side of Fleet Street as presented)

And

(Sample motion – move to pass first reading and schedule a public hearing and second reading at the September 14, 2026, City Council meeting regarding an amendment to CHAPTER 7, VEHICLES, TRAFFIC AND PARKING, ARTICLE III, TRAFFIC ORDINANCE, Section 7.336 A, One-Way Streets, changing Fleet Street to one-way from Congress Street to Hanover Street as presented)

- C. Public Hearing and Second Reading of the Annual Omnibus Ordinance, Amending Chapter 7, VEHICLES, TRAFFIC and PARKING, Article III, TRAFFIC ORDINANCE, section 7.326 A, Limited Parking – Fifteen Minutes, Section 7.330 A, No Parking, and Article VI, LOADING ZONES, Section 7.601, Limited Hours Loading Zones 26
[10.C LEGAL Notice Chapter 7 Article III - 15 Minute Pakring.pdf](#)

(Sample Motion – move to pass second reading of the Annual Omnibus Ordinance amending Chapter 7, VEHICLES, TRAFFIC and PARKING, Article III, TRAFFIC ORDINANCE, Section 7.326 A, Limited Parking – Fifteen Minutes, Section 7.330 A, No Parking, and Article VI, LOADING ZONES, Section 7.601, Limited Hours Loading Zones and schedule third reading at the September 14, 2026, City Council meeting)

- D. Third and Final Reading of Ordinance Amendment to Chapter 12, Building Code, Section 1201 through 1209, by deleting and replacing the entire Chapter 32
[10.D Chapter 12 Building Codes Final Revisions.pdf](#)

(Sample motion – move to pass third and final reading of the Amendment to Chapter

12, Building Code, Section 1201 through 1209, as presented)

- E. Public Hearing continued from August 3, 2026 meeting to set parking fees for on-street and lot parking for FY 2027: \$3 per hour for first 3 hours and \$6 per hour thereafter pursuant to Chapter 1, Administrative Code, Article XVI, Adoption of Fees, Section 1.1601, Procedure [10.E Public Hearing Parking Fees.pdf](#) 55

(Sample motion - move to set parking fees for on-street and lot parking for FY2027: \$3 per hour for the first 3 hours and \$6 per hour thereafter pursuant to Chapter 1, Administrative Code, Article XVI, Adoption of Fees, Section 1.1601, Procedure)

11. City Manager's Items Which Require Action 56

City Manager's Report [CM Report 8 17 2026.pdf](#)

- A. *Request for Rolling Stock Work Session
(Sample motion - move to schedule a Rolling Stock Work Session at 6:00 p.m. on October 26, 2026)
- B. Rescission of City Council Policy No. 2018-02 – License Fee for Encumbrance of City Property [CM Action B Council Policy.pdf](#) 64
(Sample motion - move to rescind City Council Policy No. 2018-02 - License Fee for Encumbrance of City Property)
- C. Request for First Reading of Amendment to Chapter 1, Administrative Code, Article III, Boards, Section 1.302 (D), Appointments, Tenure, and Removal [CM Action Item C Chapter 1 Vacancies and Renewal.pdf](#) 65
(Sample motion - move to schedule first reading of Amendment to Chapter 1, Administrative Code, Article III, Boards, Section 1.302 (D), Appointments, Tenure, and Removal at the September 14, 2026, City Council Meeting)
- D. *Polling Hours for NH State Primary and General Election
(Sample motion - move to set the polling hours for the NH State Primary Election on September 8, 2026, and the NH General Election on November 3, 2026 from 8:00 a.m. to 7:00 p.m.)
- E. Approval of Custodial Supervisors Tentative Agreement [CM Action Item E School Custodian Supervisors 3-Year TA.pdf](#) 67
(Sample motion - move to approve the proposed Custodial Supervisors Tentative Agreement as presented)
- F. Approval of the AFSCME 1386A Tentative Agreement [CM Action Item F AFSCME 1386A Agreement.pdf](#) 72
(Sample motion - move to approve the proposed AFSCME 1386A Tentative Agreement as presented)
- G. Donation of Memorial Bench at Bohenko Gateway Park in Honor of Sue Werner Thoresen [CM Action Item H Sculptural Memorial Bench Memo for Background.pdf](#) 118



(Sample motion - move to request the City Council accept a ten-thousand-dollar (\$10,000.00) donation to the City from Bob Thoresen to be used toward the bench; and vote to accept any additional financial contribution toward the bench from Bob Thoresen, the Thoresen family, or other private donor(s))

And

(Sample motion - move to authorize and direct the Trustees of Trust Funds to disburse such sums from the City of Portsmouth Public Art Trust as directed and certified by the City Manager that such funds are needed to complete the design, fabrication and installation of the sculptural memorial bench to be installed in Bohenko Park not otherwise paid by private donations. Such sums may include, without limitation, payments due or obligations satisfied under a contract with Sijia Chen and any incidentals that might fall outside of said contract. Funds shall come from the Capital Improvement Program contributions to the Public Art Trust. No further approval of the City Council is required)

12. Consent Agenda

- | | | |
|----|--|-----|
| A. | Active City Encumbrances | 121 |
| | 12.A ENCM Reporting to Council 8.17.26.pdf | |
| B. | Seacoast Rotary Club Event Request - Turkey Trot Race EVENT Turkey Trot Letter to City Council '26.pdf | 122 |
| C. | Lieutenant Dan Band Event 12.C Veterans Lt Dan Band Event 2026.pdf | 123 |

(Sample motion - move to adopt the Consent Agenda as presented)

13. Presentations and Written Communications

- | | | |
|----|--|-----|
| A. | *CIP Kickoff Presentation | |
| B. | Email Correspondence Email Correspondenc 8.17.2026.pdf | 126 |

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

14. Mayor McEachern

- | | | |
|----|--|-----|
| A. | Appointments to be Considered | 137 |
| | <ul style="list-style-type: none">Appointment of John (Jack) Holzman to the Zoning Board of Adjustment Appointment John Holzman Redacted.pdf | |
| B. | *Appointments to be Voted | |
| | <ul style="list-style-type: none">Appointment of Wendi Alip to the Sustainability Committee | |

(Sample motion - move to appoint Wendi Alip to the Sustainability Committee)

15. City Council Members

- | | | |
|----|--|-----|
| A. | Councilor Cook | 139 |
| | <ul style="list-style-type: none">Legislative Subcommittees Report Back regarding its Recommendations to Council to Approve NHMA's 2027-2028 Proposed Legislative Policies and | |

(Sample motion - move to approve NHMA's 2027-2028 Proposed Legislative Policies and Principles as recommended by the Legislative Subcommittee)

B. Councilor Bagley 155

- Automated License Plate Reader Systems [15.B Automted License Plate reader Systems.pdf](#) 

(Sample motion - move to direct the City Attorney to review the attached proposed ordinance language regarding automated license plate reader systems, and to return a final draft ordinance to the City Council for first reading)

C. Councilor Hopkins 157

- Parking & Traffic Safety Committee Action Sheet and Minutes of the August 6, 2026 [8.6.2026 PTS Minutes.pdf](#)  [Action Sheet FINAL 8.6.26.pdf](#) 

(Sample motion - move to approve and accept the action sheet and minutes of the August 6, 2026, Parking & Traffic Safety Committee Meeting)

16. Approval of Grants/Donations

17. City Manager's Informational Items

A. *Report Back on Encumbrance Permits

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

MEETING MINUTES AND ACTIONS OF THE PORTSMOUTH CITY COUNCIL
August 3, 2026, 7:00 PM
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE, PORTSMOUTH, NEW
HAMPSHIRE

Mayor McEachern called the meeting to order at 7:19 pm.

A Non-Public Session was held in Conference Room A in accordance with RSA 91-A:3, II (a) and (l).

Assistant Mayor Kelley moved to leave the non-public session and seal the minutes. Seconded by Councilor Cook. Motion passed unanimously.

1. Roll Call

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

2. Pledge of Allegiance

Mayor McEachern led the Pledge of Allegiance

3. Acceptance of Minutes

Minutes and Actions of July 13, 2026, City Council Meeting

Assistant Mayor Kelley moved to accept and approve the minutes of the July 13, 2026, City Council meeting. Seconded by Councilor Cook. Motion passed unanimously.

4. Recognitions and Volunteer Committee Reports

Mayor McEachern recognized the Portsmouth Little League Team on their way to the New England Tournament in Bristol, CT as the NH Little League Champions.

5. Public Comment Session

There were six speakers

Kevin Dwyer — RAPP program problems as they relate to many hospitality workers and referenced a petition signed by 2,000 people

Erik Anderson — Portsmouth Housing Plan; Housing issues are a regional problem

Esther Kennedy — RAPP is a hinderance; agrees there is a housing problem in Portsmouth; Public comment was not allowed at the Banfield Road Work Session; Public comments at the Vaughan Mall presentation were ignored

Linnea Grim — Ranger Chapter Daughters of the American Revolution recognition plaque — Stoodley's Tavern, Agenda Item 16.C

Tyler Garzo — Redacting personal information in City Council email correspondence; Senders should be asked if they want their contact information visible

Beth Goddard — Municipal Building Project. She would like to see the police and municipal projects divided

Councilor Cook moved to take items out of order, Agenda Item 16.C. Ranger Chapter Daughters of the American Revolution – Historic Marker Donation and Placement Request and Agenda Item 13.A Coakley Presentation. Seconded by Assistant Mayor Kelley. Motion passed unanimously.

16.C. Ranger Chapter Daughters of the American Revolution – Historic Marker Donation and Placement Request

Councilor Tabor moved to suspend the rules to allow Barbara Pamboukes to speak on the topic. Seconded by Assistant Mayor Kelley. Motion passed unanimously.

Ms. Pamboukes and local historian, Michael Geanoulis, Sr., gave an overview of the historical event and the request by the Ranger Chapter Daughters of the American Revolution (DAR) to donate and place a historic marker near Stoodley's Tavern on Hancock Street. The Tavern was a meeting place for local Patriots. The marker would be created by the William G. Pomery Foundation and read: *"Stoodley's Tavern 12 Dec 1775 Paul Revere alerted and organized local Patriots to seize gunpowder and cannon from Fort William and Mary."* Ranger DAR will obtain the street sign at no charge to Ranger DAR and donate it to the City. City staff to determine the exact location of the sign placement.

Councilor Bagley asked about the 20-word limit on the plaque. It is a limit set by the William G Pomery Foundation.

Assistant Mayor Kelley moved to accept this historic marker and authorize the City Manager to coordinate installation based on Department of Public Works location recommendation near Stoodley's Tavern on Hancock Street. Seconded by Councilor Cook. Motion passed unanimously.

13.A. Coakley Presentation — Peter Britz, Director of Planning and Sustainability, gave a general overview of the Coakley Landfill, and the status and activity of the site. There were follow-up questions and discussions by the City Council.

Coakley Landfill Group (CLG) meetings are open to the public and there is the opportunity for public comment.

6. Public Hearings and Vote on Ordinances and/or Resolutions

A. Public Hearing and Adoption of Resolution #13-2026 authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act of up to Six Million Five Hundred Thousand Dollars (\$6,500,000) for costs related to

- School Facilities Capital Improvements
- Elementary Schools Upgrade
- Elementary Schools Playground Upgrade
- School Facilities – Pavement and Roofing

- **CITY COUNCIL DISCUSSION**

Councilor Bagley — inquired about which school playground is currently being updated. Little Harbor School is currently under construction, and New Franklin School is the next to be upgraded.

Councilor Blalock - looks forward to the upgrades.

- **PUBLIC HEARING SPEAKERS**

Tyler Garza – requests pavement and roofing be divided into separate line items. Do student parking fees go towards paving? Answer to question – Student parking fees offsets public transportation

Councilor Tabor moved to adopt Resolution #13-2026 as presented. Seconded by Councilor Blalock and roll call vote was taken. Motion passed unanimously (2/3 in favor vote met).

B. Public Hearing and Adoption of Resolution #14-2026 authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act of up to Six Million Four Hundred Eighty-Five Thousand Dollars (\$6,485,000) for costs related to

- Ambulance Replacement Program
- Municipal Building Audit – Implementation
- Citywide Facilities Capital Improvements
- Hampton Branch Rail Trail (NH Seacoast Greenway)
- Citywide Storm Drainage Improvements
- The Creek Neighborhood Reconstruction
- Vaughan Mall Restoration
- Police Facility and Municipal Complex Design

- **CITY COUNCIL QUESTIONS and DISCUSSION**

Councilor Bagley emphasized the need to do the upgrades due to the life span of the current building. Coupling the Police Station and Municipal Building is more cost effective. He spoke to the current plan and supports the project.

Councilor Moreau asked if the City has the right to make improvements on the Rail Trail.

Peter Britz commented on the need to negotiate one short section near the cemetery.

Councilor Hopkins spoke in favor of the Municipal Building Project and the need for the safety of our employees.

Councilor Cook was originally hesitant about renovations to Police Station. The HVAC for the entire complex needs to be upgraded. She commented that the project has grown in scope but has decreased in cost.

Councilor Blalock commented the building needs some work.

Councilor Bagley affirmed our bond cycle is confusing. Sometimes projects are not immediately started and are delayed. Projects can be authorized but not yet bonded because the funds are not yet needed.

Mayor McEachern took the opportunity to talk about the Police Station, and the need for a better working environment.

Councilor Hopkins spoke on the Municipal Building Work Session that recently occurred.

• **PUBLIC HEARING SPEAKERS**

Susan Sterry, member of the Municipal Building Committee, talked about the positive interactions with the public about the project at the Farmers Market with Deputy City Manager Weber this past weekend.

Petra Huda commented we are giving the City the authority to borrow money later. She would like to see transparency of every bond sale, and would like to know what has been authorized, borrowed and spent.

Esther Kennedy commented that we honor our history and our buildings, but we do not need the Taj Mahal. Why is there a need for an additional ambulance? How much are other communities giving us towards the purchase of this vehicle since they are utilizing the service? How much burden are we putting on taxpayers? We are not making this city affordable.

Councilor Bagley moved to adopt Resolution #14-2026 as presented. Seconded by Councilor Moreau and roll call vote was taken. Motion passed unanimously (2/3 in favor vote met).

C. 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 the costs related to the purchase of one fire apparatus

• **CITY COUNCIL QUESTIONS and DISCUSSION**

Councilor Blalock is against the fire boat. He cannot justify the cost.

Councilor Tabor commented Portsmouth is the medical/paramedics on the water.

Councilor Bagley supports the cost of the fire boat. We need the correct type of boat to service our community. Other communities have asked us for assistance in emergencies as well.

Councilor Cook is not confident that our current fire boat can facilitate emergency needs in all weather conditions in its current size and condition and supports the purchase of the fire boat.

Mayor McEachern would like to table this discussion and bring it up at a future City Council meeting soon.

• **PUBLIC HEARING SPEAKERS**

Esther Kennedy — We do not need a fire boat. In an emergency, the Coast Guard will be called first.

Erik Anderson — spoke about the cost of the fireboat and who, outside of Portsmouth, should be contributing to funding it.

Sue Sterry - talked about security on the water and the bridges spanning the area and the cost of the boat.

Petra Huda – the high cost of the fire boat

Councilor Bagley moved to table the discussion to the October 13, 2026, City Council Meeting. Seconded by Councilor Tabor. Motion passed 7-2. (Councilors Cook and Moreau opposed)

D. Public Hearing and Adoption of Resolution #16-2026 authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or participation in the State Revolving Fund (SRF) Loan Program up to Four Million Nine Hundred Thousand Dollars (\$4,900,000) for costs related to

- Annual Water Line Replacement
- Well Stations Improvements
- Madbury Water Treatment Plant – Facility Repair and Improvements
- Portsmouth and Collins Wells – Treatment
- The Creek Neighborhood Reconstruction
- Vaughan Mall Restoration

Councilor Blalock mentioned the benefits of having safe drinking water.

Assistant Mayor Kelley moved to adopt Resolution #16-2026 as presented. Seconded by Councilor Cook and roll call vote was taken. Motion passed unanimously (2/3 in favor vote met).

E. Public Hearing and Adoption of Resolution #17-2026 authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or participation in the State Revolving Fund (SRF) Loan Program of up to Three Million One Hundred Thousand Dollars (\$3,100,000) for the costs related to:

- Wastewater Pumping Station Improvements

- Peirce Island Wastewater Treatment Facility
- Citywide Storm Drainage Improvements
- Vaughan Mall Restoration

Councilor Tabor moved to adopt Resolution #17-2026 as presented. Seconded by Councilor Blalock and a roll call vote was taken. Motion passed unanimously (2/3 in favor vote met).

F. First Reading for Annual Omnibus Ordinance, Amending Chapter 7, Vehicles, Traffic and Parking

DISCUSSION

Councilor Cook asked for clarification on the location and description of the parking spaces. The City Manager said there will be a presentation at the second reading.

Councilor Bagley moved to pass first reading of the Annual Omnibus Ordinance amending Chapter 7, VEHICLES, TRAFFIC and PARKING, Article III, TRAFFIC ORDINANCE, Section 7.326, Limited Parking – Fifteen Minutes, Section 7.330 A, No Parking, and Article VI, LOADING ZONES, Section 7.601, Limited Hours Loading Zones and schedule public hearing and second reading at the August 17, 2026, City Council meeting. Seconded by Councilor Moreau. Motion passed unanimously.

G. Public Hearing and Second Reading of Ordinance Amending Chapter 6, Licenses and Encumbrances, Article I, Encumbrance Permits and Licenses for Use of Public Property, Relative to Section 6.111, fees

Senior Assistant City Attorney Ferrini explained that this is a housekeeping measure. She explained how the fees will be adopted consistent with Chapter 1 Administrative Code, Article XVI, Section 1.1601 regarding the adoption of fees section.

Councilor Flynn moved to pass second reading and schedule a third and final reading on August 17, 2026, on the amendment to Chapter 6, Licenses and Encumbrances, Article I, Encumbrance Permits and Licenses for use of Public Property, Section 6.111, Fees, as presented. Seconded by Councilor Hopkins. Motion passed unanimously.

Councilor Cook moved to suspend the rules and schedule third and final reading. Seconded by Councilor Moreau. Motion passed unanimously.

Councilor Cook moved to pass third and final reading. Seconded by Councilor Blalock. Motion passed unanimously.

H. Public Hearing and Second Reading of Ordinance Amendment to Chapter 12, City of Portsmouth Building Code, Section 1201 through 1209, by deleting and replacing the entire Chapter

- **PRESENTATION** by Shanti Wolph, Chief Building Inspector

- **CITY COUNCIL DISCUSSION**

Councilor Cook — would like to see a Green Building Code developed down the road.

Chief Building Inspector Wolph explained that we cannot pass third and final reading tonight because this version must now go to the Building Code Review Board.

Mayor McEachern mentioned the Building Department is available for questions until 10:00 am daily.

Assistant Mayor Kelley moved to pass second reading of the amendment to Chapter 12, City of Portsmouth Building Code, Sections 1201 through 1209, and schedule a third and final reading at the August 17, 2026, City Council meeting. Seconded by Councilor Cook. Motion passed unanimously.

I. Public Hearing and Second Reading of Chapter 1, Administrative Code, Article XVI, Adoption of Fees, Section 1.1601, Procedure

- **CITY COUNCIL QUESTIONS**

Councilor Moreau — wanted clarification on fixing the motion regarding RAPP fees

Councilor Bagley - we need to get the word out before we raise the rates.

Councilor Tabor — agrees with Councilor Bagley. Everything is happening at once, increasing garage rates, and the RAPP program.

Councilor Blalock – we are confusing the public with all the parking rate changes.

- **PUBLIC HEARING SPEAKERS**

Tyler Garzo — normally supports fee increase. We are below Hampton and York. Any increases should go towards transportation alternatives, but we are increasing parking fund balance instead. Transportation Alternatives are not the priority.

Colin Scholler - in favor of increasing rates. Parking funds should go to transportation alternatives. Transportation alternatives are not the priority.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

The Council discussed parking fee changes and agreed there should be more discussion before moving forward. Councilor Hopkins questioned who is responsible for making fee decisions and later raised the need to include hotels, noting that hotel parking is a significant revenue source and that Portsmouth, Hanover, and Durham are all looking at

workforce parking issues. Mayor McEachern suggested bringing a different motion to the Fee Committee. Councilors Bagley, Cook, Tabor, and Assistant Mayor Kelley supported holding a work session on parking. Councilor Cook proposed exploring a shuttle loop program and suggested amending the motion by removing the final line. Councilor Tabor agreed and questioned the need for another study, suggesting discussion of a shuttle loop pilot and electronic garage inventory signs.

Assistant Mayor Kelley emphasized including COAST in the discussion because of its data on transit needs and cautioned against undercutting existing COAST service, while also suggesting the Chamber may need to be involved. Councilor Bagley noted he had researched hotels, ride shares, and shuttles, and said there are valid reasons to increase parking rates but emphasized community input and identifying tangible benefits for downtown workers. Peter Rice noted that \$50,000 had already been approved to evaluate micro-transit options and supported holding a work session.

Councilor Bagley moved to schedule a work session at 6:00 pm on August 17, 2026, to discuss increased on-street parking rates and how the revenue will be used. Seconded by Councilor Hopkins. Motion passed unanimously.

Councilor Cook moved to amend the original motion to remove the last phrase of the existing motion so that it reads, "move to set the parking fees for on-street and lot parking for FY2027: \$3 per hour for the first 3 hours and \$6 per hour thereafter pursuant to Chapter 1, Administrative Code, Article XVI, Adoption of Fees, Section 1.1601, Procedure, and no change to resident parking rates". Seconded by Councilor Blalock.

Motion passed 8-1. (Assistant Mayor Kelley opposed)

Assistant Mayor Kelley moved to continue public hearing on the motion as amended. Seconded by Councilor Cook. Motion passed unanimously.

7. City Manager's Items Which Require Action

There were no items under this section

Councilor Moreau moved to go past 10:30 pm. Seconded by Councilor Bagley. Motion passed 8-1. (Assistant Mayor Kelley opposed).

8. Consent Agenda

- A. Granite State Wheeler's Annual Seacoast Country bicycle ride
- B. St. Paddy's 5k/10k by Millennium Running
- C. Eastern States 20 Miler & Half Marathon by Millennium Running

Councilor Bagley moved to adopt the Consent Agenda as presented. Seconded by Councilor Moreau. Motion passed unanimously.

9. Presentations and Written Communications

A. Coakley Presentation (Agenda Item taken out of order)

B. PPMtv Funds Request

Assistant Mayor Kelley requested clarification on how the funds are used. City Manager Conard explained this request. Regulatory Counsel Suzanne Woodland confirmed that it is only for PPMtv. It is likely that no additional funds will come into this trust. There were follow-up questions and discussions by the City Council. Nathan Lunney, Deputy City Manager — Finance & Administration, explained the wind down of this fund. This is the cycle that follows the decision or non-decision that the City Council made to not reverse or amend the 2009 policy. It is now time to act on the remaining interest balance in the trust.

Councilor Flynn moved to authorize the City Manager to exercise authority under Paragraph 3 of the Cable Television Public Access Charitable Trust to direct the Trustees of the Trust Funds to release the remaining funds to Portsmouth Public Media Television, Inc. for purposes consistent with the Trust. Seconded by Councilor Hopkins. Motion passed 8-1. (Councilor Bagley opposed)

C. Letter from Attorney Colby T. Gamester regarding 0 Elm Street

Assistant Mayor Kelley moved to refer the letter from Attorney Gamester regarding 0 Elm Street to the Legal Department and to the Planning Board for a report back. Seconded by Councilor Cook. Motion passed unanimously.

D. Email Correspondence

Councilor Tabor moved to accept and place on file. Seconded by Councilor Blalock. Motion passed unanimously.

10. Mayor McEachern

A. Appointments to be Considered

- Appointment of Wendi Alip to the Sustainability Committee

B. *Appointments to be Voted

Councilor Bagley moved to appoint the following as presented. Seconded by Councilor Moreau. Motion passed unanimously.

- Reappointment of Stephen Buzzell to the Cemetery Committee

C. Resignation of Paul Mannle of the Zoning Board of Adjustment effective July 1, 2026

Councilor Flynn moved to accept with regret the resignation of Paul Mannle from the Zoning Board of Adjustment and send a letter of thanks to Paul for his service to the City. Seconded by Councilor Hopkins. Motion passed unanimously.

- D. Resignation of Heather Krans of the Public Art Review Committee effective August 15, 2026

Councilor Cook commented that Heather will be missed.

Councilor Cook moved to accept with regret the resignation of Heather Krans from the Public Art Review Committee and send a letter thanking Heather for her service to the City. Seconded by Assistant Mayor Kelley. Motion passed unanimously.

- E. *Working Group on Service Delivery and Technology

Mayor McEachern explained that this is an effort to bring a working group together of citizens focused on technology with a report back by January 2027 in terms of things that could be done through technology to provide or improve services for our community.

Mayor McEachern moved to move this item to the August 17, 2026, City Council meeting.

11. City Council Members

- A. Assistant Mayor Kelley and Councilor Tabor

- Presentation and Update on Housing Action Plan — Peter Britz, Director of Planning and Sustainability

Assistant Mayor Kelley moved to refer to the August 20, 2026 Planning Board meeting for review and comment and schedule Public Information and Input Sessions on September 23, 2026, in the Levenson Room at the Portsmouth Public Library, and September 28, 2026, as part of the regular City Council Meeting. Seconded by Councilor Tabor. Motion passed unanimously.

- B. Councilor Cook

Councilor Cook suspended the rules and brought an item out of order City Manager Informational Item 17.C Status of Vaughan Mall Restoration Design. Seconded by Assistant Mayor Kelley. Motion passed unanimously.

City Manager Conard explained the request for a report back and we provided the last public information session on July 22, 2026 with stakeholders and the Public Art Review Committee (PARC). Councilor Cook provided additional information and feedback from the public information session.

Councilor Tabor questioned removing trees. City Manager Conard mentioned some larger trees have been lost and removed. There is a net loss of trees, yet additional greenery and trees will be planted.

Councilor Cook moved to accept the Vaughan Mall Re-Design Plan in substantially similar form as presented to the City Council, noting that any changes made on Vaughan Mall do not preclude later implementation of the 2017 plans for Vaughan Mall, Worth Lot, and Bridge Street Lot. Seconded by Councilor Moreau. Motion passed unanimously.

- Vaughan Mall Art

Councilor Cook explained her next motion as it relates to a concept from the LGBTQ+ community.

Councilor Moreau questioned, "How can we set aside space if we do not know what the piece will be?"

Councilor Cook moved to support the recommendation of the Public Art Review Committee (see attached Report from PARC) for the concept of a donated "City of the Open Door" art piece in the Vaughan Mall. Seconded by Councilor Bagley for discussion.

The group would like permission before they start raising money. There is no RFP or timeline at this time. Can an outside organization be allowed to do this?

Councilor Bagley said we are getting a gift from a Sister City. It is bad taste for another group to fundraise simultaneously for another piece.

Mayor McEachern spoke to the merits of this proposal.

Councilor Blalock explained who Vaughan Mall is named after.

Councilor Cook moved to support the recommendation of the Public Art Review Committee (see attached Report from PARC) for the concept of a donated "City of the Open Door" art piece in the Vaughan Mall. Seconded by Councilor Bagley for discussion, Motion passed 8-1. (Councilor Bagley opposed).

C. Councilor Hopkins

- Parking & Traffic Safety Committee Action Sheet and Minutes of July 2, 2026

Councilor Hopkins moved to approve and accept the action sheet and minutes of the July 2, 2026, Parking & Traffic Safety Committee meeting. Seconded by Assistant Mayor Kelley. Motion passed unanimously.

12. Approval of Grants/Donations

A. New Hampshire Department of Health and Human Services, Opioid Abatement Program - City of Portsmouth in the amount of \$776,653 for an additional Police Department Social Worker, an additional School Department Social Worker, and housing funds for the Welfare Department

Assistant Mayor Kelley thanked everyone who worked on this grant application and request. City Manager Conard noted this is a two-year grant.

Councilor Bagley moved to accept the New Hampshire Department of Health and Human Services, Opioid Abatement Program Grant - City of Portsmouth in the amount of \$776,653 as presented. Seconded by Councilor Moreau. Motion passed unanimously.

B. New Hampshire Highway Safety Grant - Police Commission, in the amount of \$24,100, to support six highway safety initiatives

Councilor Flynn moved to accept the terms of the Highway Safety Grant as presented in the amount of \$24,100. Seconded by Councilor Hopkins. Motion passed unanimously.

C. Ranger Chapter Daughters of the American Revolution — Historic Marker Donation and placement request (Item taken out of order)

D. Donation from Portsmouth Lodge of Elks No.97 in the amount of \$4,500 to cover fees associated with training American Red Cross lifeguards for the Portsmouth Indoor Pool

Councilor Blalock thanked the Elks for their donation.

Councilor Tabor moved to accept the Portsmouth Lodge of Elks No. 97 donation in the amount of \$4,500 as presented. Seconded by Councilor Blalock. Motion passed unanimously.

13. City Manager's Informational Items

A. *Update on DPW Project Pages - City Manager Conard provided a brief verbal update.

B. *Report Back on the Online Guide for Residents Navigating Land Use Boards and One-Page Guides - City Manager Conard provided a brief verbal update.

C. Status of Vaughan Mall Restoration Design (Item taken out of order)

14. Miscellaneous Business Including Business Remaining Unfinished at Previous Meeting

15. Adjournment

**Councilor Moreau moved to adjourn the meeting at 11:05 pm. Seconded by Councilor Bagley.
Motion passed unanimously.**

*Indicates verbal report with no attachments

Prepared by:

Approved by the City Council

Sally A. Kellar
City Clerk

Date: _____

The Portsmouth City Council meeting of August 3, 2026, can be viewed in its entirety on the City of Portsmouth YouTube Channel.

**The Council Chambers
City Hall
Portsmouth, New Hampshire
A Proclamation**

Whereas: September is National Service Dog Month, created to raise awareness and show appreciation for the extraordinary work carefully trained and certified service dogs do every day for the people in their care, to honor the dedicated individuals who train and care for these remarkable animals, and to celebrate the profound bond between service dogs and the individuals they serve; and

Whereas: Service dogs are specially trained to perform specific tasks for people with disabilities as defined by the Americans with Disabilities Act. They can be trained to retrieve objects, assist with balance, give seizure or diabetic alerts, or assist those with psychiatric disabilities. Many also serve veterans living with Post-Traumatic Stress and Traumatic Brain Injury, helping them better manage their disabilities and live fuller lives; and

Whereas: These special dogs exemplify the healing power of the human-animal bond. Research shows canine companions can improve cardiovascular health, lower cholesterol, and decrease blood pressure, while offering support and a sense of calm that helps balance the emotional and psychological stresses of daily life; and

Whereas: There are more than half a million service dogs in America working on behalf of their companions and their communities. More than 12 percent of the entire US population, and more than 10 percent of our Portsmouth residents, cope with some type of disability on a daily basis; and

Whereas: The City of Portsmouth recognizes the profound impact that service dogs have on the lives of adults and children with disabilities thanks to their unique ability to enhance the independence, mobility, and overall quality of life, opening doors for those they serve.

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

National Service Dog Month in Portsmouth

and call upon our residents and businesses to recognize and respect the important job service dogs do in helping us live up to our motto of The City of the Open Door.



Given with my hand and the
Seal of the City of Portsmouth,
on this 17th day of August 2026.

Deaglan McEachern, Mayor of Portsmouth

ORDINANCE #0 -26
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 10, ZONING ORDINANCE, be amended as follows:
Article 2- Administration and Enforcement, Section 10.234 –
Procedures for Variances, Special Exceptions and Appeals from
Decisions of the Code Official; Section 10.246 Expiration and
Abandonment of Approvals and Section 10.1017.70 Expiration and
Extension be amended as follows (deletions from existing language
~~stricken~~; additions to existing language **bolded**; remaining language
unchanged from existing):

10.234 Procedures for Variances, Special Exceptions and Appeals from
Decisions of the Code Official

10.234.50 In any case in which the **Board** of Adjustment is required to give notice of
a public hearing, ~~such notice shall be provided~~ in accordance with ~~the~~
~~provisions of State law, all persons owning property within 300 feet of~~
~~the property involved in the appeal or request shall be given notice in the~~
~~manner set forth by State law, provided that failure to give notice beyond~~
~~statutory requirement shall not give rise to any right of appeal or protest.~~
~~The requirements of this paragraph shall not apply in Character Districts 4~~
~~and 5 (CD4 and CD5) and the Downtown Overlay District.~~

Section 10.240 Conditional Use Permits

10.246 Expiration and Abandonment of Approvals

10.246.10 ~~Except as otherwise allowed in this section, A~~ a conditional use permit
shall expire unless a **building permit** is obtained within a period of one
year from the date granted, unless otherwise stated in the conditions of
approval. ~~The Board may, for good cause shown, extend such period by as~~
~~much as one year if such extension is requested and acted upon prior to the~~
~~expiration date. No other extensions may be requested.~~

~~Where a conditional use permit is approved in conjunction with a site plan,
the conditional use permit shall remain valid for the duration of the
associated site plan approval, including any extensions granted under the
Site Plan Review Regulations. Additional extensions beyond the initial
one-year extension may be granted only when concurrent with a Planning
Board extension of the associated site plan approval.~~

~~For any conditional use permit not approved in conjunction with a site plan
under Article 10, the Planning & Sustainability Director may, for good
cause shown, grant the first extension of up to one (1) year, provided the
request is submitted prior to the expiration date. Any subsequent extension~~

shall require approval following a public hearing by the Planning Board and shall not exceed one (1) additional year.

10.1017.70 Expiration and Extension

10.1017.71 A conditional use permit shall expire one year after the date of approval by the Planning Board unless a **building permit** is issued prior to that date.

10.1017.72 **Extensions of a Wetland Conditional Use Permit may be granted in accordance with Section 10.246.10.** ~~The Planning Board may grant a one-year extension of a conditional use permit if the applicant submits a written request to the Planning Board prior to the expiration date. Any other extension may be granted only after a new public hearing on the reconsideration of the application.~~

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

All ordinances or parts of ordinances inconsistent herewith are

hereby deleted. This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Sally Kellar, City Clerk

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 7, VEHICLES, TRAFFIC and PARKING, Article III, TRAFFIC ORDINANCE, Section 7.330 A, NO PARKING, be amended by adding a portion of Fleet Street as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

CHAPTER 7 VEHICLES, TRAFFIC and PARKING

ARTICLE III: TRAFFIC ORDINANCE

Section 7.330: NO PARKING

- A. Unless otherwise designated by ordinance, parking shall be prohibited at all times in the following described streets and locations:
42. Fleet Street
- Easterly side from Court Street to ~~Hanover~~ **Congress** Street.
 - Westerly side from State to Court Street ~~and the parking space nearest Hanover Street, provided that trucks may load or unload in said parking space.~~
 - Westerly side, from Congress Street to ~~a point 135 feet in a northerly direction~~ **Hanover Street.**

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

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

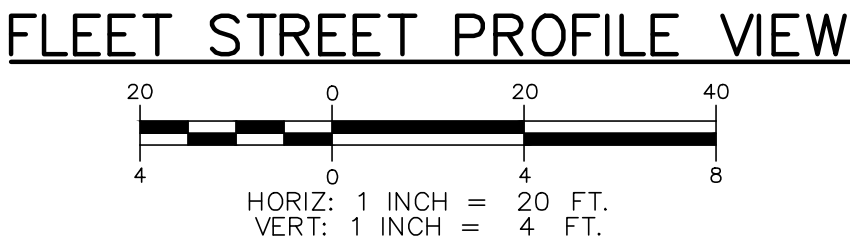
This ordinance shall take effect upon its effective date.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Sally A. Kellar, City Clerk

[illegible]

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 7, VEHICLES, TRAFFIC and PARKING, Article III, TRAFFIC ORDINANCE, Section 7.336 A, ONE-WAY STREETS, be amended by adding a portion of Fleet Street as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

CHAPTER 7 VEHICLES, TRAFFIC and PARKING

ARTICLE III: TRAFFIC ORDINANCE

Section 7.336: ONE-WAY STREETS

A. Vehicular traffic shall move only in the indicated directions on the following streets:

11. Fleet Street: northerly from Congress Street to Hanover Street. Bicycle operators may ride in the opposite direction within the marked contra-flow bike lane.

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

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

This ordinance shall take effect upon its effective date.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Sally A. Kellar, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 17, 2026, at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, 1 Junkins Avenue, Portsmouth, NH, for the City Council to hold a public hearing of the Annual Omnibus Ordinance amending Chapter 7, VEHICLES, TRAFFIC and PARKING, Article III, TRAFFIC ORDINANCE, Section 7.326 A, Limited Parking – Fifteen Minutes, Section 7.330 A, No Parking, and Article VI, LOADING ZONES, Section 7.601, Limited Hours Loading Zones. The proposed Ordinance amendment is available for review in the Office of the Portsmouth City Clerk and Portsmouth Public Library, during regular business hours.

SALLY A. KELLAR
PORTSMOUTH, NH CITY CLERK

LEGAL NOTICE
NOTICE IS HEREBY GIVEN
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Portsmouth, NH, for the City
Council to hold a public
hearing of the Annual
Omnibus Ordinance amend-
ing Chapter 7, VEHICLES,
TRAFFIC and PARKING, Arti-
cle III, TRAFFIC ORDINANCE,
Section 7.326 A, Limited
Parking – Fifteen Minutes,
Section 7.330 A, No Parking,
and Article VI, LOADING
ZONES, Section 7.601,
Limited Hours Loading
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nance amendment is avail-
able for review in the Office
of the Portsmouth City Clerk
and Portsmouth Public
Library, during regular busi-
ness hours.

SALLY A. KELLAR
PORTSMOUTH, NH
CITY CLERK

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, VEHICLES, TRAFFIC and PARKING, Article III, TRAFFIC ORDINANCES, Section 7.326 A, Limited Parking - Fifteen Minutes and Section 7.330 A, No Parking; and Article VI, LOADING ZONES, Section 7.601, Limited Hours Loading Zones of the ordinances of the City of Portsmouth be amended as follows (deletions from ~~existing~~ language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

[Explanatory note not part of ordinance. The following amendments to the parking ordinance were either implemented by the Parking and Traffic Safety Committee on a trial basis last year or are part of ongoing improvements to the parking ordinance and are forwarded to the City Council for approval. Each ordinance change is shown on diagrams attached hereto.]

A. Amend: Chapter 7, VEHICLES, TRAFFIC and PARKING, Article III – TRAFFIC ORDINANCE, Section 7.326: Limited Parking-Fifteen Minutes

Section 7.326: LIMITED PARKING – FIFTEEN MINUTES

- A. No person having control or custody of any vehicle shall cause the same to stop or park for longer than 15 minutes at any time between 9:00 a.m. and 8:00 p.m., Monday through Saturday, and between 12:00 p.m. and 8:00 p.m. Sunday, Holidays not included, on the following streets and locations:
4. Daniel Street:
- b. ~~southerly side, first three metered spaces running between 102 and 160 feet west of Penhallow Street~~ **northerly side, two spaces beginning 159 feet from the westerly curblin of Penhallow Street and continuing 38 feet in a westerly direction.**

B. Amend: Chapter 7, VEHICLES, TRAFFIC and PARKING, Article III – TRAFFIC ORDINANCE, Section 7.330, No Parking.

Section 7.330: NO PARKING

- A: Unless otherwise designated by ordinance, parking shall be prohibited at all times in the following described streets and locations:
84. Middle Street:
- i. **westerly side, beginning at the northerly curblin of Cass Street and running northerly for 47 feet.**

-
- C. Amend:** Chapter 7, VEHICLES, TRAFFIC and PARKING, Article VI – LOADING ZONES, Section 7.601: Limited Hours Loading Zones

Section 7.601: LIMITED HOURS LOADING ZONES

The following locations are established as "Limited Hours Loading Zones" during "Loading Zone Hours" which are defined as Mondays through Saturdays between the hours of 6:00 a.m. and 7:00 p.m. or as otherwise described below. During Loading Zone Hours only licensed commercial vehicles, vehicles marked for commercial purposes and unmarked noncommercial vehicles with Loading Zone Permits may utilize Limited Hours Loading Zones for up to 30 consecutive minutes if actively engaged in loading or unloading product, merchandise or equipment. At all other times these Loading Zones shall be open parking for all vehicles.

2. Brewster Street: easterly side, beginning 40 feet north of the northerly curblineline of Islington Street and running 40 feet in the northerly direction, between the hours of ~~7-6~~ AM and ~~3 PM~~**11 AM**, Monday through ~~Friday~~**Saturday**.

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

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

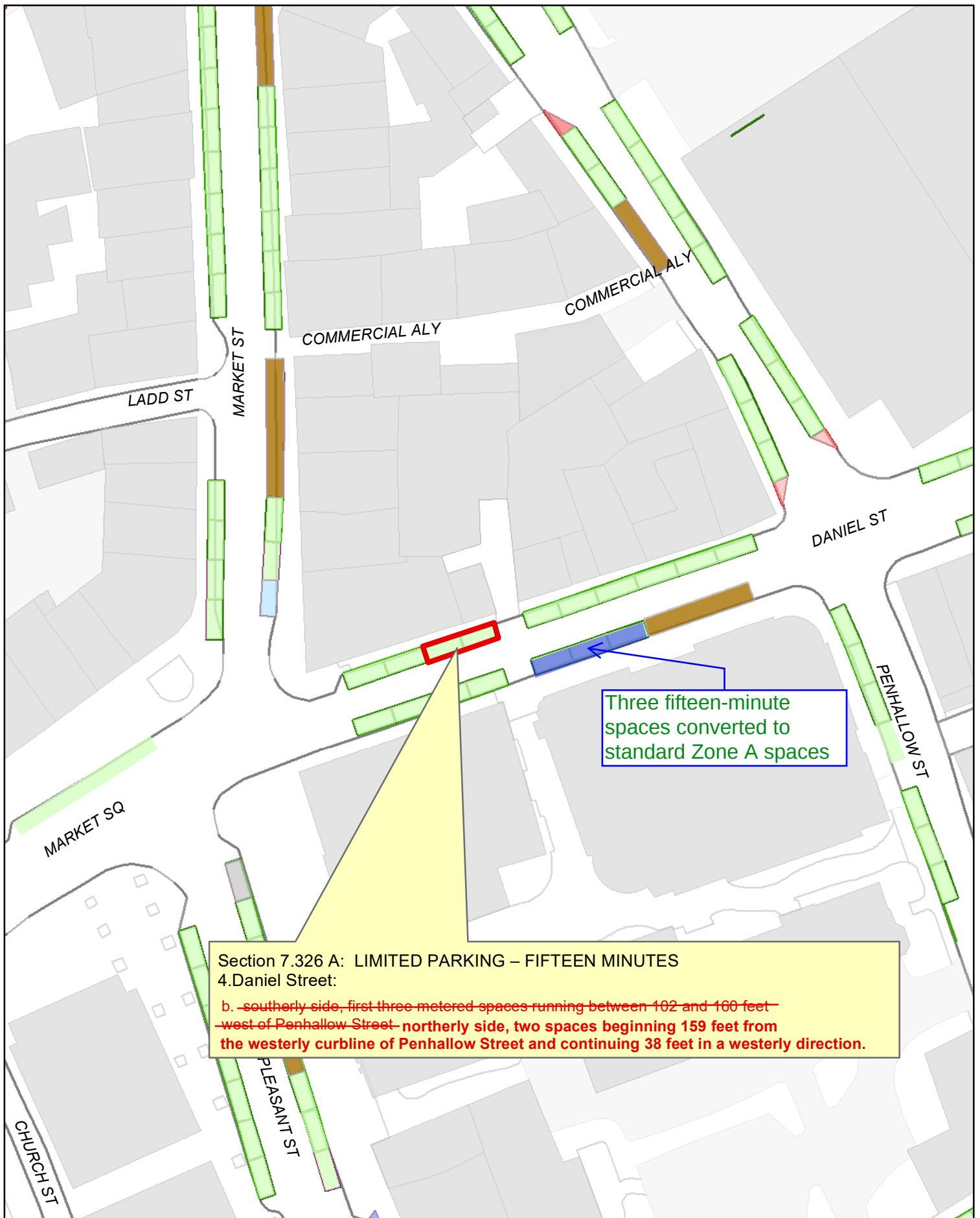
This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL

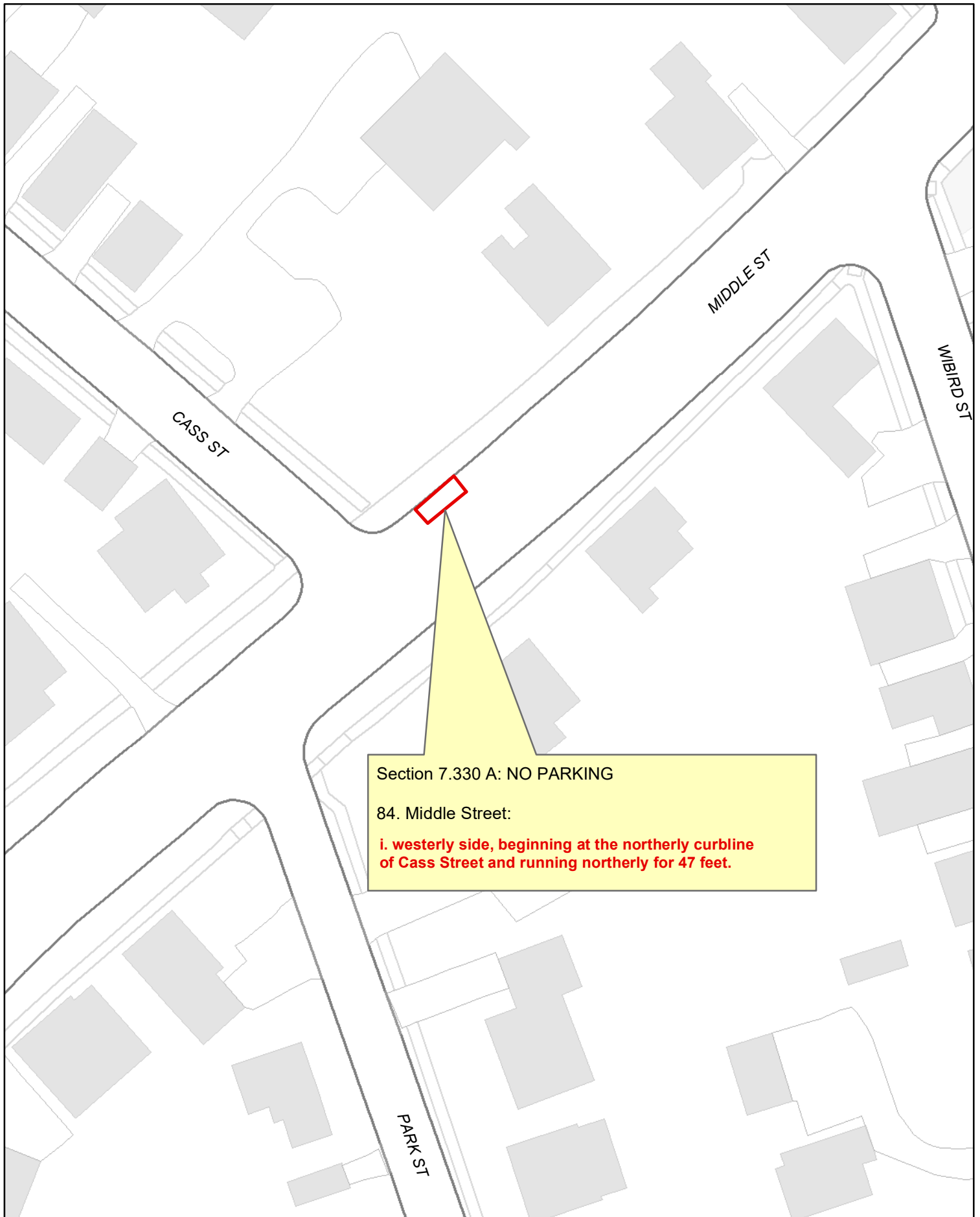
Sally Kellar, City Clerk



LIMITED PARKING – 15 MINUTES
Portsmouth, New Hampshire

Map prepared by Portsmouth Department of Public Works, 22 June 2026
 Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2026

0 20 40 80 Feet

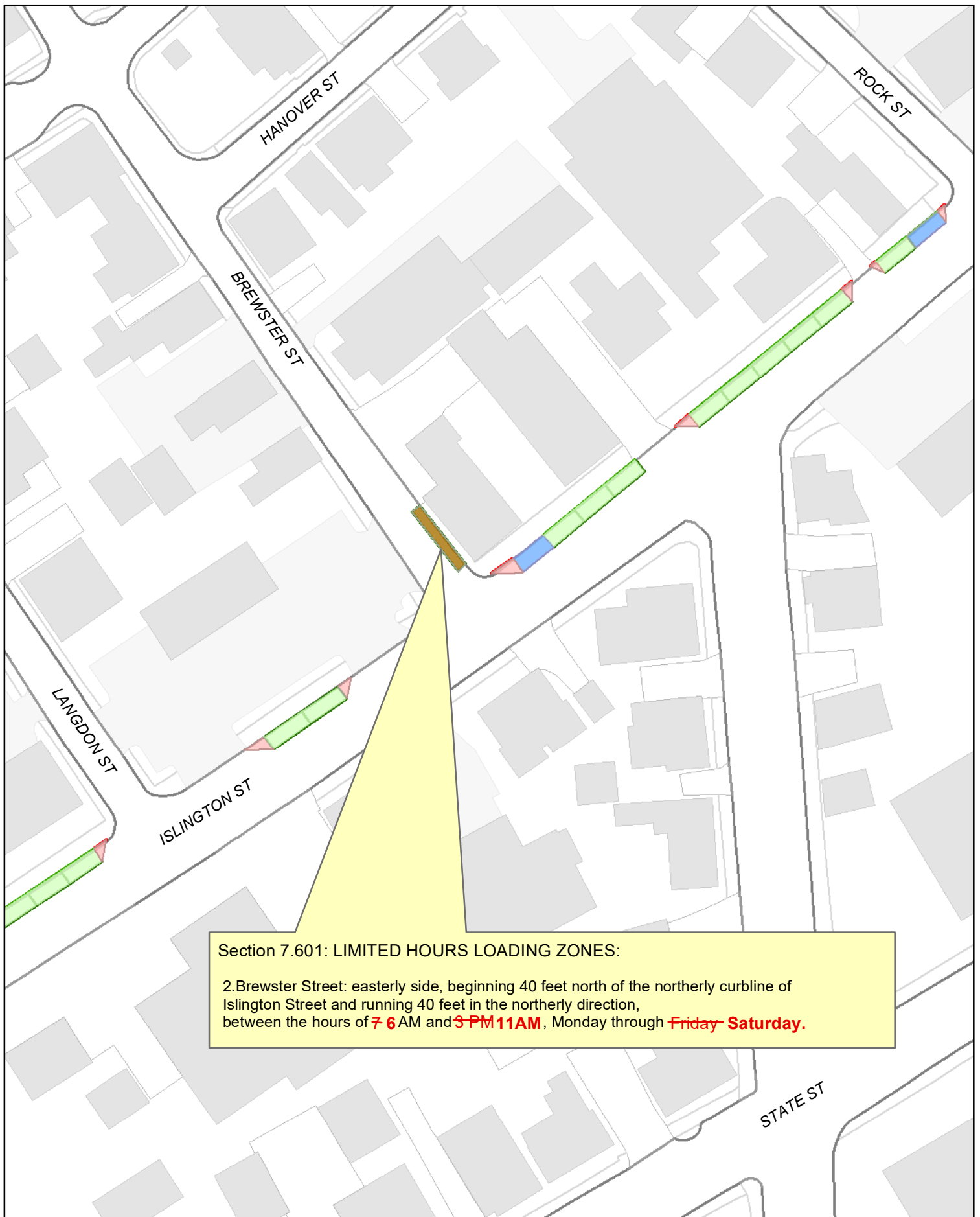


NO PARKING
Portsmouth, New Hampshire

Map prepared by Portsmouth Department of Public Works, 22 June 2026
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2026

0 15 30 60 Feet





LIMITED HOURS LOADING ZONES Portsmouth, New Hampshire

Map prepared by Portsmouth Department of Public Works, 22 June 2026
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2026

0 20 40 80 Feet

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 12, CITY OF PORTSMOUTH BUILDING CODE, be amended by deleting Chapter 12 in its entirety and replacing it with **Article I, Administration and Enforcement, Sections 12.101 through 12.108** as set forth below as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

CHAPTER 12 BUILDING CODE

ARTICLE I ADMINISTRATION AND ENFORCEMENT

Section 12.101 AUTHORITY

This Chapter establishes a Local Enforcement Agency as defined in RSA 155-A:1, III, also known as a Code Compliance Agency pursuant to NH Administrative Amendment 103.1.

Section 12.102. BUILDING STANDARDS

The governing Building Code enforced by the City of Portsmouth is the State Building Code, as defined by RSA 155-A:1, IV, and local amendments contained herein for the City's administrative functions in administering the Building Code.

Section 12.103 CODE COMPLIANCE AGENCY

A. Chief Building Official

The Inspection Department of the City of Portsmouth is the Code Compliance Agency created pursuant NH Administrative Amendment 103.1, and the executive official in charge shall be known as the Chief Building Official. The Chief Building Official shall be appointed by the City Manager.

B. Duties

Duties of the Chief Building Official shall be as set forth in NH Administrative Amendment Section 104.

Section 12.104 CERTIFICATE OF OCCUPANCY

The Chief Building Official shall issue Certificates of Occupancy as set forth in NH Administrative Amendment Section 111.

Section 12.105 APPEALS

The Zoning Board of Adjustment shall act as the Building Code Board of Appeals and hear appeals pursuant to RSA 155-A:3. Appeals to the State Building Code Review Board are governed by 155-A:11-b.

Section 12.106 FEES

All fees associated with the Chapter will be adopted pursuant to City Ordinance Chapter One - Administrative Code, Article XVI, Adoption of Fees, Section 1.1601, Procedure.

Section 12.107 VIOLATIONS AND PENALTIES

Violations of this Chapter shall be subject to the penalties provided in RSA 155-A:8. Each day of a violation constitutes a separate offense.

Section 12.108 PROCEDURAL HISTORY

The Building Code of the City of Portsmouth was first enacted by the City Council in 1929, and has been amended as more fully set forth below:

<u>ADOPT</u>	<u>ORD #</u>	<u>YEAR</u>	<u>ARTICLE</u>	<u>SECTION</u>	<u>AMENDED</u>
2/18/57		1957		Chapter 12	Nat'l Bldg Code, 1955 Edition Adopted
8/1/68		1968		Chapter 12	Nat'l Bldg Code, 1967 Edition Adopted
3/5/79		1979		Chapter 12	BOCA Basic Nat'l Bldg Code, 1975 Edition with amendments
8/5/85		1985		Chapter 12	BOCA Basic Nat'l Bldg Code, 1985 Edition with 1985 BOCA Supplement and Amendments
7/9/90	20	1990			BOCA Basic Nat'l Bldg Code, 1990 Edition (replaces 1984 edition)
4/1/96	17	1996		114.3.1	Building Permit Fee Schedule
4/1/96	18	1996		2704.5	Electrical Permit Fees
5/5/97	17	1997			BOCA Nat'l Bldg Code, 1996 (replaces 1990 edition)

3/18/02	5	2002	112.31	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
3/18/02	5	2002	113.2.3	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
3/18/02	5	2002	116.6	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
3/18/02	5	2002	118.5	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
3/18/02	5	2002	2703.5	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
3/18/02	5	2002	2704.6	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
7/14/03	4	2003	Chapter 12	Amended Chapter 12 in its entirety and replaced with the 2000 International Building Code
10/4/04	10	2004	Chapter 12	Amend Chapter 12 by addition of a new sub-section R317 entitled Dwelling Unit Separation
10/19/09	11	2009	Chapter 12	Amend Chapter 12 Parts I in its entirety and replaced with 2006 International Building code
10/19/09	11	2009	Chapter 12	Amend Chapter 12 Part II in its entirety and replace with 2006 Residential Code
12/04/17	27	2017	Chapter 12	Amend Chapter 12 Parts I and II in entirety and replace with 2009 International Building Code

12/02/19	16	2019	Chapter 12	Update various sections in accordance with International Building Code 2015
12/14/22	9	2022	Chapter 12	Replaced in entirety

~~SECTION 1201~~

~~TITLE ADOPTION / STATUTORY AUTHORITY~~

~~**1201.1** The New Hampshire Building Code is hereby adopted, together with the local regulations and amendments contained within this Chapter and shall be known as the Building Code of the City of Portsmouth (“City Building Code”). (See RSA 155-A:1,IV; RSA 674:51, I; RSA 155-A:2,V and RSA 155-A:3, I, II).~~

~~SECTION 1202~~

~~SCOPE AND ADMINISTRATION~~

~~Portsmouth, New Hampshire is hereby created and the executive official thereof shall be known as the Chief Building Inspector. Other Building Officials include the assistant Building Inspectors, Electrical Inspectors and Plumbing/Mechanical Inspectors. The Chief Building Inspector and Building Officials are appointed by the City Manager based on qualifications established for each position by the City Manager. The Chief Building Inspector and Building Officials are authorized to receive, process and approve all building permits, issue building permits and certificates of occupancy, perform inspections necessary to assure compliance with the City Building Code, collect permit fees, maintain **1202.1 Building Official**. The Department of Building Inspection of the City of records of all applications and enforce all provisions of the City Building Code as more fully set forth below.~~

~~1202.2 Permits~~

~~**1202.2.1 Required.** New construction and general renovation work requires the issuance of a building permit. General renovation is defined as work which changes the overall size of a building or portions thereof or which involves the creation of rooms or spaces, which did not previously exist. Expansion of existing electrical, plumbing, mechanical or fire protection systems is also considered general renovation. Types of work, which may be so classified, are:~~

- ~~1. Additions of any size.~~
- ~~2. Enlarging existing structures, rooms or spaces.~~
- ~~3. Creating new rooms or spaces within a structure.~~
- ~~4. Structural changes or structural repairs.~~
- ~~5. Dormers.~~
- ~~6. Renovations to kitchens and bathrooms.~~
- ~~7. Demolition of all or part of a structure.~~
- ~~8. Changing exits or any components of the means of egress in any way.~~

- ~~9. New structures including sheds, gazebos, pools (above and below ground), decks, garages, carports, tents, awnings, etc.~~
- ~~10. Above or below grade flammable and combustible liquid tank removal or installation shall require separate mechanical and gas permitting.~~
- ~~11. Changes in Use or Occupancy.~~
- ~~12. Electrical work.~~
- ~~13. Plumbing or mechanical work.~~
- ~~14. Fire sprinkler or fire alarm systems~~
- ~~15. Roofing or re-roofing~~

~~NH Licensed trade persons shall secure permits for electrical, plumbing and fuel gas work when required under New Hampshire law.~~

~~**1202.2.2 Work exempt from permits.** Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the City Building Code or any laws or ordinances of this jurisdiction. Permits shall not be required for the following:~~

~~Building:~~

- ~~1. Ordinary repairs as defined in Section 1202.2.3 provided the total of such non-structural repairs do not exceed \$3,000 in construction value.~~
- ~~2. Any painting or wall papering; and tiling when not part of a kitchen or bath remodel.~~
- ~~3. Fences not over 6 (six) feet high not located on corner lots of an intersection or not in the Historic District.~~
- ~~5. Sidewalks, driveways or patios constructed on grade with earth products so long as there is no change in elevation and/or drainage configuration.~~
- ~~6. Prefabricated (including air inflated) swimming pools, accessory to a Group R-3 occupancy which are less than 18 inches deep, do not exceed 5,000 gallons and are entirely above grade.~~
- ~~7. Swings and other playground equipment accessory to dwellings and which are erected or assembled from a kit.~~
- ~~8. Moveable cases and counters (typical in retail occupancies).~~
- ~~9. Cabinets, countertops and similar finish work when total construction value does not exceed \$3,000, including labor and materials.~~

~~Electrical:~~

- ~~—1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles in single family dwellings, or in facilities employing full time maintenance personnel, provided the work is performed or supervised by a licensed electrician employed by the facility owner. (See NH RSA 319-G)~~

~~Gas:~~

- ~~—1. Portable heating appliances for one and two family occupancies.~~

Mechanical:

- ~~—1. Portable heating appliances for one and two family occupancies.~~

~~1202.2.3 Ordinary Repairs.~~ ~~Application or notice to the building official is not required for ordinary repairs to structures. Ordinary repairs are defined as work which is associated with the normal maintenance of a property and which affects only the surface or finish characteristics of a structure. Types of work, which may be so classified, are:~~

- ~~1. Painting and wallpapering, no matter what the cost. (\$3,000 exception does not apply.)~~
- ~~2. Replacing or repairing flooring or carpeting in-kind.~~
- ~~3. Replacing or repairing interior trim.~~
- ~~4. Repointing masonry unless located in the Historic District.~~

~~In general, for a work element to be considered a repair or replacement, the item, which is being repaired, must already exist. The above items are intended to represent individual replacement or repair work. When one or more of the above items are included in general renovations to structures, then all such items will be included in the construction cost and a permit is required.~~

~~Ordinary repairs do not include the cutting, removing or altering of any structural beam, joist, rafter or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements. Ordinary repairs also do not include additions to, alterations of, replacement or relocation of any fire protection system, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical equipment or other work affecting public health or general safety.~~

~~Exceptions:~~ ~~(i.e. permit is required.)~~

- ~~1. Repairs or renovations made to the exterior facade of structures in the Historic District shall require a building permit application review by the Planning Department. When it is determined that Historic District Commission approval is required, then a building permit shall also be required.~~
- ~~2. When the total cost of ordinary repair work exceeds three thousand dollars (\$3,000). (i.e., a permit is required when repair value is more than \$3,000 including materials and labor. Homeowner/property owner labor value to be included.)~~

~~1202.2.4 Action on application.~~ ~~Permits shall not be issued when there is found to be outstanding, non-inspected permit(s) already issued against a given property or when there are known non-conformances on the property. Only when outstanding permit(s) is (are) closed out and/or the non-conformances corrected, shall a new permit be issued.~~

~~Exception:~~

~~When permits are required to correct known non-conformances.~~

~~**1202.2.5 Time limitation of application.** An application for a permit shall be deemed to have been abandoned one year after the date of filing, unless such application has been diligently pursued or a permit has been issued, except that the building official may grant one (1) extension of time not exceeding twelve (12) months if there is reasonable cause and only when _ in writing prior to the application expiration date.~~

~~**1202.2.6 By whom application is made.** Application for a permit shall be made by the owner of the building or structure or by the authorized agent of either, or by the authorized contractor, registered design professional, employed by the owner, in connection with the proposed work. The full names and addresses of the owner, applicant and of the responsible officers, if the owner is a corporate body it shall be stated on the application. When the applicant is not the owner, it is assumed by the City that the owner is aware of the proposed work being applied for and that the applicant takes full responsibility for the information represented.~~

~~**1202.2.7 Expiration.** Every permit issued shall become invalid if the authorized work is not commenced within one year after issuance of the permit, or if the authorized work is suspended or abandoned for a period of one year after the time of commencing the work. The building official may grant one (1) extension of time not exceeding twelve (12) months if there is reasonable cause and only when requested in writing prior to the permit expiration date. Said extension will only be authorized when it does not conflict with any Federal, State or Local laws or ordinances. For a permit to be considered active, periodic inspections (no less than 6 months in between) must be requested and work progress documented by inspections. Work elements shall be items associated with the building permit scope of work.~~

~~**1202.2.8 Minimum progress required to keep permit extension active.** After an extension has been granted under 1202.2.7, work shall begin within the next twelve (12) month period and, shall have progressed such that a full foundation has been constructed and inspected in that same twelve (12) months. If the scope of work does not include a foundation, then within the same (first) twelve month period, framing shall be complete and inspected to a weather tight condition. When work involves a foundation, framing to a weather tight condition shall be complete and inspected within the next (second) twelve (12) month period. If the scope of work does not involve either a foundation or weather tight framing, work progress shall be at a final inspection stage within twenty-four (24) months from the date of granting the permit extension under 1202.2.7. Failure to achieve these milestones, shall cause the permit to become invalid.~~

~~**1202.2.9 Placement of permit.** The building permit field copy shall be posted in a window or other suitable location on site, such that said permit is visible from the primary city street. Where such posting is impracticable the building permit field copy shall be available on site for public viewing upon request. The building permit field copy may be removed once the certificate of occupancy has been issued or upon expiration of the building permit.~~

~~1202.2.10 Qualifications of persons doing trade work.~~

~~1202.2.10.1 Fuel Gas/Plumbing.~~ Pursuant to RSA 153:36, licensing requirements shall not apply to a homeowner from making fuel gas fitting and plumbing installations in or about a single family residence owned and occupied by him or her or to be occupied by him or her as his or her bona fide personal abode.

An affidavit from the property owner confirming the address is the bona fide personal abode of the property owner proposing to perform the electrical work shall be provided by the applicant prior to permit approval.

~~1202.2.10.2 Electrical.~~ Pursuant to RSA 319-G, licensing requirements shall not apply to a homeowner from making electrical installations in or about a single family residence owned and occupied by him or her or to be occupied by him or her as his or her bona fide personal abode.

An affidavit from the property owner confirming the address is the bona fide personal abode of the property owner proposing to perform the electrical work shall be provided by the applicant prior to permit approval.

~~1202.2.11 Submittal Documents~~

~~1202.2.11.1 Approval of construction documents.~~ The building official shall review and approve all submitted documents. The permit holder is responsible for complying with the comments and notes added during the permit review process. Approved plans and documents shall be maintained as part of the official permit construction documents.

~~1202.2.12 Phased approval.~~ A phased building permit shall not be issued until such time as the permit application is approved by the City Planning Department and all necessary bonds are posted.

~~1202.2.13 Fees~~

~~1202.2.13.1 Schedule of permit fees.~~ Fees shall be determined by budget resolution in accordance with Chapter 1, Article XVI of the Ordinances of the City of Portsmouth, NH.

~~1202.2.14 Work commencing before permit issuance.~~ Any person who is found to have demolished, constructed, altered, removed, or changed the use of a building or structure without the benefit of a building, electrical, plumbing, mechanical, or change in use permit shall, upon issuance of said permit(s), be assessed a fee as determined by the adoption of fees by budget resolution of the City Council in accordance with Chapter 1, Article XVI of the Ordinances of the City of Portsmouth, NH.

~~1202.2.15 Refunds.~~ The building official shall authorize the refunding of fees as follows:

- ~~1. The full amount of any fee paid hereunder which was erroneously paid or collected.~~
- ~~2. Not more than 50% of the permit fee paid when no work has been done under a permit issued in accordance with this Code.~~

~~The building official shall only authorize a fee refund when a written request is filed by the original permittee not later than one year after the date of fee payment. Refunds shall not be issued on permits that have expired under the conditions of this chapter.~~

~~**1202.2.16 City construction projects.** Fees shall not be assessed for work associated with projects undertaken by the City of Portsmouth. These projects may also include contract work done by private contracting firms hired directly by the City. This exemption shall not apply to projects done by the State Department of Public Works, Pease Development Authority, State Port Authority or the Portsmouth Housing Authority.~~

~~**1202.3 Inspections**~~

~~**1202.3.1 Inspection requests.** The permit holder shall allow a minimum of three work days (72 hours) from the time the building official is notified to the time the inspection is scheduled.~~

~~**1202.3.2 Re-inspection fee.** If, upon being called for any inspection, the work is not in compliance with this Code, written notice (including the specific code sections) will be provided clearly identifying the deficiencies. The permit holder shall be responsible for correcting the item(s) and for notifying the building official to re-inspect said deficiencies. When called to re-inspect, if these deficiencies have been corrected, no further action will be taken. However, if during the first re-inspection, the originally deficient work has not been corrected, there may be a re-inspection fee assessed as determined by the adoption of fees by budget resolution of the City Council in accordance with Chapter 1, Article XVI, which must be paid at the Inspection Office before a third inspection will be made. For each subsequent re-inspection of the same deficiency or deficiencies, the same procedure and fee shall be assessed.~~

~~During any inspection, the building official may find new item(s), not previously discovered, to be nonconforming. These item(s) will be noted on the building official's report, and will require re-inspections. Re-inspection fees will not be assessed for items newly found or for their first re-inspection. However, said fees shall be assessed for these items if a third inspection is required. The same procedures as outlined above shall govern. Failure to pay any re-inspection fees shall be just cause to revoke the permit under which the work was being done. Furthermore, no future permits will be issued to any person who owes the City of Portsmouth said re-inspection fees, until all outstanding fees are paid.~~

~~**1202.4 Certificate of Occupancy**~~

~~**1202.4.1 Use and occupancy.** A certificate of occupancy/completion shall be issued upon request, for completed work associated with a valid building permit.~~

~~**1202.4.2 Fee for Certificate of Use and Occupancy.** There shall be a fee assessed as determined by the adoption of fees by budget resolution of the City Council in accordance with Chapter 1, Article XVI, assessed to the holder of a permit for the issuance of a Certificate of Use and Occupancy when the following condition exists: When, during the final inspection phase, the building official is required to make a third inspection on a nonconforming item or items, a Certificate of Occupancy fee will be assessed for the third inspection, and each subsequent inspection for the same item(s). The fee will be paid prior to the building official performing the additional inspections. This procedure shall apply to building, electrical, plumbing, gas, mechanical, and fire inspections, independently.~~

~~**1202.5 Violations**~~

~~**1202.5.1 Violation penalties.** Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be subject to the penalty provisions prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense.~~

~~**1202.6 Stop work order**~~

~~**1202.6.1 Unlawful continuance.** Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to the fines outlined in Section 1202.5.1 of this chapter.~~

~~**1202.7 Appeals**~~

~~**1202.7.1 Appeal process.** The City of Portsmouth Building Code Board of Appeals will hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the City Building Code. The appeal process is set forth in the Rules and Procedures adopted by the City's Building Code Board of Appeals which are incorporated by reference and adopted herein. See <https://www.cityofportsmouth.com/cityclerk/building-code-board-appeals>~~

SECTION 1203 COMMERCIAL AND RESIDENTIAL CONSTRUCTION

~~**1203.1 Special inspections and tests**~~

~~**1203.1.1 Cold-formed steel trusses.** Special inspections shall be required for all light gauge metal roof or floor truss installations. The special inspection shall verify and document the proper installation of all required bracing, both~~

~~temporary and permanent, and any special connection details required by either the design professional or the truss manufacturer.~~

~~**1203.1.2 Metal-plate-connected wood trusses.** Special inspections shall be required for all metal-plated wood roof or floor truss installations. The special inspection shall verify and document the proper installation of all required bracing, both temporary and permanent, and any special connection details required by either the design professional or the truss manufacturer.~~

~~**1203.2 Temporary Structures, as applicable**~~

~~**1203.2.1 General.** Pursuant to the approval by the City's Planning Department, the building official may issue a permit for temporary structures or uses. Such permit will be limited to the regulations set forth in the City's Zoning Ordinance and the City Building Code. Any temporary structure shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant one (1), 180-day extension for demonstrated cause.~~

~~**1203.3 Signs**~~

~~**1203.3.1 Zoning ordinance.** The City's Zoning Ordinance, Chapter 10, Article 12 of the City's Ordinances, regulates all signs, permanent signs, sign size, letter size and sign illumination. Refer to that ordinance for all sign criteria.~~

~~**1203.4 Historic Buildings**~~

~~**1203.4.1 Historic District.** The City of Portsmouth has delineated a special Zoning Overlay Historic District, which regulates all work done to the exterior facade of structures within said district. All such work requires a City Building Permit. Refer to the City Zoning Ordinance Chapter 10, Article 6 for specific details.~~

~~**1203.5 Design Criteria**~~

~~Ground snow load: 50 pounds per square foot (PSF)
Wind speed: 100 miles per hour (MPH)
Seismic Design Category: C
Weathering: Severe
Frost Line Depth: 4 feet to bottom of footing.
Termite: Slight to Moderate
Winter Design Temp.: (-) 3 degree days
Ice Barrier Underlayment Required: Yes
Flood Hazard: Flood Insurance Rate Map May 17, 2005
Air Freezing Index: 1000
Mean Annual Temperature: 47 degrees F~~

~~1203.6 Automatic fire sprinkler systems~~

~~1203.6.1 Design and installation.~~ Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with NFPA 13R or 13D as determined by the Authority Having Jurisdiction.

~~1203.7 Smoke alarms~~

~~1203.7.1 Power source.~~ Smoke alarms shall be supplied by a branch circuit that also supplies lighting loads serving habitable spaces. Smoke alarm circuit(s) shall be clearly labeled in the electric panel. The branch overcurrent protective device supplying the smoke alarms shall be clearly labeled "Smoke Alarms" in a manner that distinguishes it from other overcurrent protective devices.

SECTION 1204 PLUMBING

~~1204.1 Sewage disposal.~~ Private sewage disposal systems shall meet the requirements of City ordinances, State Law and RSA 485-A:29-44.

~~1204.1.1 Floor drains.~~ Floor drains shall be reviewed and approved by the City Engineer.

~~1204.2 General definitions.~~

~~Hot Water:~~ Water having a temperature range between 111 degrees F (43.9 degrees C) and 130 degrees F (54 degrees C).

~~Food service establishment.~~ Any fixed or mobile restaurant, temporary food service establishment, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, industrial food service establishment, catering kitchen, commissary and any other eating or drinking establishment where food or beverages are prepared or served; whether private, public, profit or non-profit.

~~1204.3 Protection of pipes and plumbing system components.~~

~~1204.3.1 Freezing.~~ Water, soil and waste pipes shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls, or in any other place subject to freezing temperature unless adequate provisions are made to protect such pipes from freezing by insulation or heat or both. The Portsmouth Water/Sewer Ordinance requires building water service pipes to be 4 feet below grade, or adequately insulated to afford the same protection whenever a condition arises that the 4 feet cannot be attained.

~~**1204.3.2 Sewer depth.** Building sewers that connect to private sewage disposal systems shall conform to RSA 485-A relative to minimum depth below finish grade. Building drains that connect to public sewers shall be a minimum depth of 48 inches (1219 mm) below grade or be adequately insulated to afford the same protection whenever a condition arises that the 48 inches (1219 mm) cannot be attained.~~

~~**1204.4 Minimum water heater temperatures.** Tank type water heaters and indirect fired hot water storage tanks shall be maintained at a minimum temperature of 140 degrees F (60 degrees C) and shall be equipped with a temperature controlling device conforming to ASSE 1017 to limit the maximum "hot water temperature" to faucets as required by this code. 1204.2 restricts the upper end temperature of hot water to 130 degrees Fahrenheit.~~

~~**1204.5 Water Service.**~~

~~**1204.5.1 Size of water service pipe.** The water service pipe shall be sized to supply water to the structure in quantities and at the pressures required in the City Building Code. The minimum diameter of water service pipe shall be 1 inch.~~

~~**1204.5.2 Materials, joints and connections.** For water service pipe up to and including 3 inches (3") in diameter only type K copper or CT Pex shall be used. For water service pipe over 3 inches (3") in diameter only cement lined ductile iron shall be used.~~

~~**1204.6 Hot water supply systems.**~~

~~**1204.6.1 Child care and Group E water temperatures.** Water for hand washing sinks in child care and Group E occupancies shall be between 100 degrees F (37 degrees C) and 120 degrees F (49 degrees C).~~

~~**1204.7 Protection of potable water supply.**~~

~~**1204.7.1 Portsmouth Water Department backflow prevention criteria.** Backflow prevention at the water meter shall be accordance with 1204.7.1.1 through 1204.7.1.7.~~

~~**1204.7.1.1 Multiple tenant spaces.** All buildings that have more than three tenants or tenant spaces being served by one water service shall have two backflow preventers installed in parallel for uninterrupted service. When the building or tenant space does not have a known tenant, the water service to that building or tenant space shall have a reduced pressure zone backflow preventer installed on the building side of the water meter.~~

~~**1204.7.1.2 Dual check valve assemblies.** All new residential water services of less than or equal to 1 inch in size shall have at a minimum, a dual check valve backflow prevention assembly conforming to ASSE 1024. Said assembly shall be~~

~~installed on the water distribution side of the water meter, without a water meter bypass feature. Thermal expansion of water shall be addressed per the New Hampshire Building Code.~~

~~**1204.7.1.3 Existing water service.** When replacing or upgrading an existing water distribution piping system, a dual check valve backflow prevention assembly shall be installed on the water distribution side of the water meter, without a water meter bypass feature. Thermal expansion of water shall be addressed per the New Hampshire Building Code.~~

~~**1204.7.1.4 Double check valve assemblies.** All new residential water services greater than 1 inch in size shall have at a minimum, a double check valve assembly in accordance with the City of Portsmouth Backflow Prevention Ordinance listed in Chapter 16.~~

~~**1204.7.1.5 Bypass lines.** Bypass lines around required backflow preventers shall be protected with a backflow preventer of the same type in the bypass line. Refer to the City of Portsmouth Backflow Prevention Ordinance listed in Chapter 16 for additional backflow prevention requirements.~~

~~**1204.7.1.6 Auxiliary wells or water supplies.** Whenever an auxiliary well or water supply serves property that also has a domestic water service, the domestic water service shall have a reduced pressure principle backflow preventer installed on the water distribution side of the water meter in accordance with the City of Portsmouth Backflow Prevention Ordinance listed in Chapter 16:~~

~~Cross Connections. No Cross Connection shall be permitted between the public water supply and any other water supply, or between the public water supply and any plumbing fixture, device, or appliance capable of contaminating the public water supply unless the connection is protected at the metering point by a backflow prevention device as required by this ordinance. The connection shall be approved by the Utility and the New Hampshire Department of Environmental Services, and shall satisfy in all respects the laws of the State of New Hampshire.~~

~~**1204.7.1.7 Connection to lawn irrigation systems.** The potable water supply to lawn irrigation systems shall be protected against backflow by a pressure type vacuum breaker or a reduced pressure principle backflow preventer. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.~~

~~**1204.8 Sanitary drainage.**~~

~~**1204.8.1 Sewer required.** Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer where available or an approved private disposal system. A building is considered available to a public sewer when said building is within 150 feet of a public sewer line. When a private subsurface disposal system is provided, a site plan shall document its location on the lot. Subsurface systems shall meet the requirements of RSA 485-A:29-44. A backwater valve shall be added to existing structures undergoing remodels or adding/finishing basement levels.~~

~~**1204.9 Vent connections and grades.**~~

~~**1204.9.1 Vent for future fixtures.** Within a habitable or occupiable space at the lowest level of a structure where plumbing fixtures are not installed, there shall be made available an accessible vent connection, not less than 2" inch diameter, which is properly connected to the vent system to provide for future venting.~~

~~**1204.10 Interceptors and Separators.**~~

~~**1204.10.1 Approval.** All interceptors and separators shall be of the type and capacity approved by the City Engineer. Each interceptor and each separator shall be designed and installed in accordance with the manufacturer's instructions and the requirements of this section based on the anticipated conditions of use. When exceptions are granted under the conditions of 1204.10.2, the applicant shall obtain in writing, approval from the City Engineer for said exceptions. Waste exempted from treatment by the City Engineer, shall not be discharged into separators or interceptors.~~

~~**1204.10.2 Food service grease interceptors required.** New and remodeled food service establishments shall install a 1000 gallon in-ground grease interceptor located outside the building envelope in addition to all required grease interceptors at fixtures inside the building. The grease interceptor shall receive drainage from fixtures and equipment with grease laden waste.~~

~~**Exception 1:** When adequate in-ground space is not available outside on the lot, a grease interceptor approved by the City Engineer and sized in accordance with the State Building Code shall be installed inside.~~

~~**Exception 2:** When the Health officer and City Engineer do not feel the type of food service establishment warrants such protection.~~

~~**Exception 3:** If the drain line connecting a grease laden fixture(s) to the in-ground interceptor exceeds 50 liner feet, then said fixture or fixtures, shall also be protected with a grease removal device as listed in the New Hampshire Building Code.~~

~~**1204.10.3 Oil separators required.** The City Engineer shall approve all oil separator designs.~~

~~**1204.10.4 Access and maintenance of interceptors and separators.** All interceptors and separators shall be located to provide easy access for cleaning and inspection. Interceptors shall not be located in a pit below a slab on grade. Interceptors and separators shall be inspected, cleaned and repaired regularly as needed by the building owner at their expense. The building owner shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal. Said records shall be subject to periodic review by the City Engineer, City Health Officer or Building Official. Only licensed waste disposal companies shall perform removal and disposal operations of the collected materials.~~

~~**1204.11 Exterior showers.**~~

~~**1204.11.1 Exterior showers.** Exterior showers require a roof and an enclosure that is approved by the Building Official.~~

~~**1204.11.2 Rinse stations.** Exterior rinse stations do not require a roof and shall not include a drain that discharges into the City sewer. The discharge of grey water while using a rinse station is strictly prohibited. Greywater refers to laundry, dish, and bath/shower water; Greywater has adverse effects on aquatic life and public health by negatively impacting drinking water supplies, recreational activities, and wildlife.~~

SECTION 1205 MECHANICAL

~~**1205.1 Equipment and appliance location.**~~

~~**1205.1.1 Equipment noise.** Refer to the City of Portsmouth Zoning Ordinance, Chapter 10, Article 13 for the limitations of excessive noise from mechanical equipment operations. Noise from mechanical equipment shall not exceed the levels so stated.~~

~~**1205.6 Exhaust system.**~~

~~**1205.6.1 Mechanical equipment and terminations in the Historic District.** Mechanical equipment and equipment terminations shall comply with the City of Portsmouth Zoning Ordinance with respect to the allowable size of equipment and termination devices, without having to receive Historic District Commission approval.~~

~~**1205.7 Commercial kitchen hoods. 1205.7.1 Reserved.**~~

~~**1205.8 Chimneys and vents.**~~

~~**1205.8.1 Masonry chimneys.** Masonry chimneys shall be constructed in accordance with the New Hampshire Building Code and New Hampshire Fire Code (NFPA 211, the Standard for Chimneys, Fireplaces, Vents, and Solid Fuel Burning Appliances).~~

~~1205.9 Masonry fireplaces.~~

~~1205.9.1 General.~~ Masonry fireplaces shall be constructed in accordance with the New Hampshire Building Code and the New Hampshire Fire Code (NFPA 211, the Standard for Chimneys, Fireplaces, Vents, and Solid Fuel Burning Appliances).

SECTION 1206 FUEL GAS

~~1206.1 Installation of piping.~~

~~1206.1.1 Reserved.~~

~~1206.2 Type of venting systems to be used.~~

~~1206.2.1 Through-the-wall vent termination.~~ Through-the-wall vents for mechanical draft-vented appliances shall terminate a minimum of 5 ft from property lines.

SECTION 1207 ELECTRICAL

~~1207.1 Definitions~~

~~1207.1.1 Townhouse.~~ A single-family dwelling unit constructed in a group of three or more attached units in which each unit demising wall extends from foundation to roof and with a yard or public way on not less than two sides. The fire-rated wall from the concrete basement floor or slab shall be unbroken to the underside of the roof sheathing without any electrical through-penetration.

~~1207.1.2 Enclosed interior exit stairway (stair tower).~~ Interior exit stairways not located in townhouses and one and two family dwellings serving as an exit component shall be enclosed and fire-rated and lead directly to the exterior of the building. The stairway shall not be used other than for means of egress (i.e. storage, seating, etc.).

~~1207.2 NM/NMC (Romex)~~

~~1207.2.1 Uses permitted.~~ Type NM and Type NMC cables shall be allowed in one and two family dwellings and townhouses, their attached or detached garages, and their storage buildings except as prohibited by NFPA 70.

~~1207.2.2 Uses not permitted.~~ Type NM and Type NMC cables shall not be exposed within a dropped or suspended ceiling cavity in other than one and two family and townhouses

~~1207.3 SER/SE (service entrance cable) 1207.3.1 Uses permitted.~~

~~1207.3.1.1 Service-Entrance conductors.~~ Service-entrance cable shall be permitted to be used as service-entrance conductors in townhouses and one and two family dwellings and shall be installed in accordance with NFPA 70

~~1207.3.1.2 Use of uninsulated conductor.~~ Type SE service-entrance cable shall be permitted for use where the insulated conductors are used for circuit wiring and the uninsulated conductor is used only for equipment grounding purposes in townhouses and one and two family dwellings.

~~1207.3.2 Uses not permitted.~~

~~1207.3.2.1 Service-entrance cable (SE).~~ Service-entrance cable shall not be used in any type of building or structure other than townhouses and one and two family dwellings.

~~1207.4 GFCI protection~~

~~1207.4.1 Dwelling units.~~ All 125-volt through 250-volt outlets and receptacles installed in the locations specified in NFPA 70 and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground fault circuit interrupter protection for personnel.

~~1207.4.2 Other than dwelling units.~~ All 125-volt through 250-volt outlets and receptacles supplied by single-phase branch circuits rated 150 volts or less to ground, 50 amperes or less, and all receptacles supplied by three-phase branch circuits rated 150 volts or less to ground, 100 amperes or less, installed in the locations specified in NFPA 70 shall have ground fault circuit interrupter protection for personnel.

~~1207.4.3 General.~~ The following appliances rated 120 thru 250 volts and 60 amperes or less, single- or 3-phase, shall be provided with class-A GFCI protection for personnel. Multiple class-A GFCI protective devices shall be permitted but shall not be required:

- ~~1. Automotive vacuum machines~~
- ~~2. Drinking water coolers and bottle fill stations~~
- ~~3. Cord and plug-connected high-pressure spray washing machines~~
- ~~4. Tire inflation machines~~
- ~~5. Vending machines~~
- ~~6. Sump pumps~~
- ~~7. Dishwashers~~
- ~~8. Ranges, ovens, and grills~~
- ~~9. Electric dryers~~
- ~~10. Mixers in commercial kitchens~~
- ~~11. Any cooking appliance in commercial kitchens~~
- ~~12. Hotplates, crock pots~~

~~1207.5 Arc fault protection.~~ Reserved ~~1207.6 Identification of electrical systems.~~

~~1207.6.1 Emergency system.~~ Emergency circuits shall be permanently marked in yellow so they will be readily identified as a component of an emergency circuit or system by the following methods:

- ~~1. All boxes and enclosures (including transfer switches, generators, and power panels) for emergency circuits shall be permanently marked in yellow as a component of an emergency circuit or system.~~
- ~~2. Where boxes or enclosures are not encountered, exposed cable or raceway systems shall be permanently marked in yellow to be identified as a component of an emergency circuit or system, at intervals not to exceed (10 ft).~~
- ~~3. Receptacles supplied from the emergency system shall have a distinctive color or marking on the receptacle cover plates or the receptacles identified in yellow.~~

Note: If a system for an existing building has a different color for the system than this section, then existing color shall be continued in the building

~~1207.6.2 Boxes, enclosures, raceways.~~ In a building or at a structure where a critical operations power system and any other type of power system are present, all boxes and enclosures (including transfer switches, generators, and power panels) for critical operations power system circuits shall be permanently marked in blue so they will be readily identified as a component of the critical operations power system. All raceways must be permanently marked every 10' in blue so will be readily identified as a component of a critical operation power system.

~~1207.6.3 Receptacles.~~ In a building in which critical operations power systems (COPS) are present with other types of power systems described in other sections in this article, the cover plates for the receptacles or the receptacles themselves supplied from the COPS shall have a distinctive blue color or marking so as to be readily identifiable. Non-locking type, 125-volt, 15- and 20-ampere receptacles supplied from the COPS shall have an illuminated face or an indicator light to indicate that there is power to the receptacle

~~1207.6.4 Life safety and critical.~~ The life safety branch and critical branch [of the essential electrical system] shall be kept independent of all other wiring and equipment. Raceways, cables, or enclosures of the life safety branch must be identified in yellow and critical branch shall be readily identified in orange as a component of the essential electrical system (EES). Boxes and enclosures (including transfer switches, generators, and power panels) shall be field- or factory- marked and identified as a component of the EES. Raceways and cables shall be field- or factory- marked as a component of the EES at intervals not to exceed (10 ft).

~~1207.6.5 Photovoltaic.~~ Unless located and arranged so the purpose is evident, the following wiring methods and enclosures that contain PV system AC and DC circuit

conductors shall be marked with the wording PHOTOVOLTAIC POWER SOURCE or SOLAR PV DC CIRCUIT, or SOLAR PV AC CIRCUITS by means of permanently affixed labels or other approved permanent marking:

1. Exposed raceways, cable trays, and other wiring methods
2. Covers or enclosures of pull boxes and junction boxes
3. Conduit bodies in which any of the available conduit openings are unused

The labels or markings shall be visible after installation. All letters shall be capitalized and shall be a minimum height of 9.5 mm ($\frac{3}{8}$ in.) in white on a red background. Labels shall appear on every section of the wiring system that is separated by enclosures, walls, partitions, ceilings, or floors. Spacing between labels or markings, or between a label and a marking, shall not be more than 3 m (10 ft). Labels required by this section shall be suitable for the environment where they are installed.

1207.7 Definitions specific to 1207.6 thru 1207.6.4

1. Critical Branch.

A system of feeders and branch circuits identified in orange supplying power for task illumination, fixed equipment, select receptacles, and select power circuits serving areas and functions related to patient care that are automatically connected to alternate power sources by one or more transfer switches during interruption of the normal power source.

2. Equipment Branch.

A system of feeders and branch circuits identified in green arranged for delayed, automatic, or manual connection to the alternate power source and that serves primarily 3-phase power equipment.

3. Essential Electrical System.

A system comprised of alternate sources of power and all connected distribution systems and ancillary equipment, designed to ensure continuity of electrical power to designated areas and functions of a health care facility during disruption of normal power sources, and also to minimize disruption within the internal wiring system.

4. Life Safety Branch.

A system of feeders and branch circuits identified in yellow supplying power for lighting, receptacles, and equipment essential for life safety that is automatically connected to alternate power sources by one or more transfer switches during interruption of the normal power source.

1207.8 Generators.

1207.8.1 Location.

1. Generator shall not be installed within 5' of any building or structure without manufacturer's approval and as specified in the New Hampshire Fire Code.
2. Generator exhaust shall not be located within 5' of any building or structure.

~~3. Generator shall be located at least 10' from openings in walls. This section recognizes the potential danger of deadly carbon monoxide gas entering the structure and injuring the occupants. Building openings could be, but are not limited to, the following:~~

- ~~1. Basement doors & bulkhead openings~~
- ~~2. Basement windows~~
- ~~3. Exit doors or sliding glass openings~~
- ~~4. Operable windows~~
- ~~5. Dryer vents~~
- ~~6. Kitchen appliance vents~~
- ~~7. Mechanical exhaust vents for heating or hot water appliances~~
- ~~8. Air intake openings or screens~~

~~1207.9 Electrical system disconnecting means.~~

~~1207.9.1 Remote emergency shutdown.~~ Generators with greater than 8 KW rating, other than cord connected portable generators shall be provided with a remote emergency stop switch to shut down the prime mover. The remote emergency stop switch shall be located outside the equipment room or generator enclosure, an additional remote emergency shutdown device shall be installed next to the service disconnect, said device shall also meet the requirements of the NFPA 70.

~~1207.9.2 Emergency shutdown for One- and Two-Family dwelling units.~~

For other than cord-and-plug-connected portable generators, an emergency shutdown device shall be located outside the dwelling unit at a readily accessible location next to the service disconnect outside the dwelling, or next to the meter in existing dwelling where the service conductors enter the dwelling.

~~1207.9.3 Emergency disconnect – battery system.~~ For one family and two family dwellings, a disconnecting means or its remote control for a stationary battery system shall be located at a readily accessible location outside the building next to the service disconnecting means or meter for emergency use. The disconnect shall be labeled “EMERGENCY DISCONNECT FOR BATTERY SYSTEM”

~~1207.9.4 Rapid shutdown of PV systems on buildings.~~ PV system circuits installed on or in buildings shall include a rapid shutdown function to reduce shock hazard for firefighters in accordance with the NFPA 70. The rapid shutdown device shall be located at the service disconnect or meter location for a townhouse or one and two family dwelling.

~~1207.10 Device or equipment fill.~~ For each yoke or strap containing large devices such as GFCI's, dimmer switches, motion sensors, and large 2-gang devices capable of containing one or more devices or equipment, 4 times the volume allowance.

~~**1207.11 Marina protection.** Where more than three receptacles supply shore power to boats, a leakage current measurement device shall be available (a meter specially designed for measuring leakage currents), and be used to determine leakage current from each boat that will utilize shore power. An automatic measuring device shall be installed on the docks that will trip the GFPE device feeding the docks. This device shall be installed in the water to measure the current introduced by the boats, and will disconnect the feeders from the utility source. This automatic device must run through a shunt trip breaker or other means that will disconnect the feeders to the docks. This device must be protected by a class A GFCI for personal protection and shall not be installed on the shore power overcurrent device. The automatic measuring device must be protected from physical damage and be listed for its use. A visual strobe light and a horn shall be located on the device as this will warn personal that may be on the docks or in the water to the presence of electrical current. This device must be approved by the Building Official and installed in accordance with the manufacturers specifications.~~

~~**1207.12 NFPA adoption.** Pursuant to RSA 674:51-a, the City of Portsmouth, New Hampshire, hereby adopts the current final revised printed edition of the NFPA 70 / NEC, a Code promulgated by the International Code Conference.~~

SECTION 1208 GREEN BUILDING

~~**1208.1 Incentives.** This section is intended to incentivize and encourage the use of green building practices and materials.~~

- ~~1. Photovoltaic-Reserved~~
- ~~2. Electric Vehicle Chargers-Reserved~~
- ~~3. Mini-split Heat Pumps-Reserved~~
- ~~4. Insulation-Reserved~~
- ~~5. Water conservation including the use of reclaimed or recycled water-Reserved~~

~~**1208.2 Allowance for future PV panels or EV charging station.**~~

~~**1208.2.1 New Construction-Reserved**~~

~~**1208.2.2 Existing Buildings-Reserved**~~

SECTION 1209 SEPERABILITY

~~Should any section, clause, or provision of this City Building Code be declared by a court of competent jurisdiction to be invalid, such invalidity shall not affect other provisions or applications of the City Building Code which can be given effect without the invalid provision or application, and to this end the provisions of the City Building Code are declared to be severable.~~

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

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

This ordinance shall take effect upon its effective date.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Sally A. Kellar, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 17, 2026, at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, 1 Junkins Avenue, Portsmouth, NH, for the City Council to hold a public hearing to set parking fees for on-street and lot parking for FY 2027: \$3 per hour for first 3 hours and \$6 per hour thereafter pursuant to Chapter 1, Administrative Code, Article XVI, Adoption of Fees, Section 1.1601, Procedure. The Staff Memorandum regarding recommended fees is available for review in the Office of the Portsmouth City Clerk and Portsmouth Public Library, during regular business hours.

SALLY A. KELLAR
PORTSMOUTH, NH CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the **Portsmouth City Council on Monday, August 17, 2026, at 7:00 p.m.**, at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, 1 Junkins Avenue, Portsmouth, NH, for the City Council to hold a public hearing to set parking fees for on-street and lot parking for FY 2027: \$3 per hour for first 3 hours and \$6 per hour thereafter pursuant to Chapter 1, Administrative Code, Article XVI, Adoption of Fees, Section 1.1601, Procedure. The Staff Memorandum regarding recommended fees is available for review in the Office of the Portsmouth City Clerk and Portsmouth Public Library, during regular business hours.

SALLY A. KELLAR
PORTSMOUTH, NH CITY
CLERK

8.9.26



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

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

Date: August 13, 2026

To: Honorable Mayor McEachern and City Council Members

From: Karen S. Conard, City Manager *KSC*

Re: City Manager's Comments on City Council Agenda of August 17, 2026

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

A. First Reading to Amend Chapter 10, ZONING ORDINANCE, Article 2 – Administration and Enforcement, Section 10.234 – Procedures for Variances, Special Exceptions and Appeals from Decisions of the Code Official; Section 10.246 Expiration and Abandonment of Approvals and Section 10.1017.70 Expiration and Extension:

The Planning Board, at its meeting of July 16, 2026, voted to recommend that the City Council hold first reading on amendments to Article 2 of the Portsmouth Zoning Ordinance. The amendments address public notice requirements for land use applications and the expiration and extension provisions for Conditional Use Permits (CUPs).

1. Public Notice Requirements for Board of Adjustment Applications

The amendments to Section 10.234.50 revise language regarding public hearing notices for variances, special exceptions, and appeals before the Zoning Board of Adjustment (ZBA). The amendments remove local notification requirements that exceed state law and provide that notice shall be given in accordance with New Hampshire law.

In 2024, the New Hampshire Legislature amended RSA 672:3 to provide a more precise and uniform definition of an "abutter." The amendment clarified which properties located across a street or stream from a project site qualify as abutters for notification purposes and established a consistent statewide methodology for making that determination. By relying on the statutory definition, the City ensures that its notification procedures remain consistent with current state law while eliminating the need to maintain separate local notification standards. The change also reduces the number of notices required for many applications, thereby decreasing administrative processing time for staff and lowering mailing costs for applicants.

The amendment is not intended to reduce public access to information regarding pending land use applications. In the fall of 2025, the City created an electronic subscription system to receive agendas and meeting packets for the Planning Board, Zoning Board of Adjustment,

Historic District Commission, Conservation Commission, and City Council. This service notifies interested individuals when meeting materials are posted regardless of their proximity to a particular project. To date, the following individuals have subscribed to the service: City Council: 78, Planning Board: 65, HDC: 53, BOA: 57, TAC: 53, and Conservation Commission: 60.

2. Conditional Use Permit Expiration and Extension Provisions

The amendments to Section 10.246 and Section 10.1017.70 deal with the expiration and extension of Conditional Use Permits. Under the current ordinance, a CUP generally expires if a building permit is not obtained within one year, with the Planning Board authorized to grant a single one-year extension. No additional extensions are presently permitted.

The proposed amendment would:

- Allow a CUP approved in conjunction with a site plan application to remain valid for the duration of the associated site plan approval, including any extensions granted under the Site Plan Review Regulations.
- Establish a process for stand-alone CUPs not associated with site plan approval, allowing the Planning & Sustainability Director to grant an initial extension of up to one year for good cause shown if requested prior to expiration.
- Require any subsequent extension of a stand-alone CUP to be approved by the Planning Board following a public hearing, with each additional extension limited to one year.

The purpose of these changes is to better coordinate CUP approvals with the lifecycle of site plan approvals, thereby avoiding situations where a CUP may expire while a related site plan approval remains active. The amendment also provides greater administrative flexibility to address project delays while ensuring continued Planning Board oversight for longer-term extensions.

I recommend that the City Council move to pass first reading and schedule a public hearing and second reading for September 14, 2026.

B. First Reading Amending Chapter 7, Vehicles, Traffic and Parking, Article III, Traffic Ordinance, Section 7.330 A, No Parking, and Section 7.336 A, One-Way Streets (Fleet Street Section 1 Reconstruction):

The Parking and Traffic Safety Committee recommended that the Council approve a staff recommendation to change the traffic flow on Fleet Street to one-way from Congress Street to Hanover Street, switch the eight parking spaces from the west side to the east side of Fleet Street and create a counterflow bike lane from Hanover Street to Congress Street. Prior to accepting this recommendation, the Council received a report back from staff on the Fleet Street Section 1 Reconstruction on July 13, 2026.

During the report back, staff explained that changing the traffic flow on Fleet Street to one-way from Congress Street to Hanover Street will allow for wider sidewalks while keeping on-street parking spaces. Staff also relayed that the 18-foot pavement width will meet minimum requirements of the Fire Department for emergency vehicle use, while also allowing for the provision of a 6-foot-wide marked and signed counterflow bike lane from Hanover Street to Congress Street.

Staff further explained that, with the introduction of a counterflow bike lane, the parking spaces should be relocated from the west side of Fleet Street to the east side. Although the parking spaces are not required to be moved to accommodate the counterflow bike lane, relocating them would provide significant safety and operational benefits for both motorists and bicyclists. With parking on the right-hand side of Fleet Street, vehicles would not need to cross the bike lane to enter the spaces, drivers would parallel park on the customary right-hand side of the road, vehicle doors would not open into the bike lane, and drivers would not exit parking spaces blindly into oncoming counterflow bicycle traffic. The relocation can be accommodated on the east side of Fleet Street with the closing of the Gilley's parking lot and construction of new sidewalk and curbing along the Gilley's site frontage. Relocating the eight parking spaces to the east side of Fleet Street would also provide a larger turning radius and better alignment with the ticket gate for vehicles entering the Hanover Garage. The one-way traffic flow would also eliminate the blocking of both travel lanes on Fleet Street by vehicles waiting to turn left into the Hanover Garage entrance.

After the report back, Council voted, based upon the recommendation of the Parking and Traffic Safety Committee, to schedule a first reading tonight of the ordinances necessary to effectuate these changes for the Fleet Street Section 1 Reconstruction.

At the August 6, 2026, Parking and Traffic Safety Committee meeting, the Committee voted to recommend approval of the two proposed ordinance amendments, which are required to effectuate these changes and which will require two separate votes.

The first is an amendment to Fleet Street Section 1 Reconstruction summarized above is an amendment to Chapter 7, VEHICLES, TRAFFIC AND PARKING, ARTICLE III, TRAFFIC ORDINANCE, Section 7.330 A, No Parking, that will move the parking spaces from the west to the east side of Fleet Street.

I recommend that the City Council move to pass first reading and schedule a public hearing and second reading at the September 14, 2026, City Council meeting regarding an amendment to CHAPTER 7, VEHICLES, TRAFFIC AND PARKING, ARTICLE III, TRAFFIC ORDINANCE, Section 7.330 A, No Parking, which will move the parking spaces from the west to the east side of Fleet Street as presented.

The second is an amendment to Chapter 7, VEHICLES, TRAFFIC AND PARKING, Article III, TRAFFIC ORDINANCE, Section 7.336 A, One-Way Streets, changing Fleet Street to one-way traffic flow from Congress Street to Hanover Street.

I recommend that the City Council move to pass first reading and schedule a public hearing and second reading at the September 14, 2026, City Council meeting regarding an amendment to CHAPTER 7, VEHICLES, TRAFFIC AND PARKING, ARTICLE III, TRAFFIC ORDINANCE, Section 7.336 A, One-Way Streets, changing Fleet Street to one-way from Congress Street to Hanover Street as presented.

C. Public Hearing and Second Reading of the Annual Omnibus Ordinance, Amending Chapter 7, VEHICLES, TRAFFIC and PARKING, Article III, TRAFFIC ORDINANCE, Section 7.326 A, Limited Parking – Fifteen Minutes, Section 7.330 A, No Parking, and Article VI, LOADING ZONES, Section 7.601, Limited Hours Loading Zones:

Enclosed please find the annual omnibus set of ordinances recommended by the Parking and Traffic Safety Committee to be presented to the City Council. This year's omnibus changes are detailed on the attached sheets, and address amendments to the parking ordinance regarding 15-minute parking, no parking, and limited hours loading zones. A revised version of the graphic for Section 7.326 A, Limited Parking - Fifteen Minutes is provided to identify the three 15-minute parking spaces on Daniel Street being converted to Zone A spaces.

By way of background, on March 29, 2000, the City Council adopted Ordinance #4-2000 under Chapter 7, Article I, Section 7.103 of the Vehicles, Traffic and Parking Ordinance. This ordinance was adopted in order to be more responsive to the changing parking needs of downtown. Before its adoption, it often took three readings of the City Council to simply change a parking space from a 2-hour time restriction to a 15-minute one. This process would often take 3-4 months to complete.

The current ordinance authorizes the Parking and Traffic Safety Committee to recommend temporary parking and traffic regulations to the City Council for its approval in the form of its monthly meeting minutes. Once the Council approves these minutes, the temporary regulations are in effect for a period not to exceed one year. During that year the Council and the public have the benefit of seeing how a temporary regulation works before adopting it as a permanent change to the parking ordinance. These temporary regulations are presented at one time to the Council for its consideration. If adopted, the following sections of the parking ordinance would be amended: Chapter 7, VEHICLES, TRAFFIC and PARKING, Article III, TRAFFIC ORDINANCES, Section 7.326 A, Limited Parking - Fifteen Minutes and Section 7.330 A, No Parking; and Article VI, LOADING ZONES, Section 7.601, Limited Hours Loading Zones.

The enclosed amendments to Chapter 7 for the Council's consideration summarize the temporary regulations implemented by the Parking and Traffic Safety Committee over the past 12 months.

I recommend that the City Council move to pass second reading of the Annual Omnibus Ordinance amending Chapter 7, VEHICLES, TRAFFIC and PARKING, Article III, TRAFFIC ORDINANCE, Section 7.326 A, Limited Parking – Fifteen Minutes, Section 7.330 A, No

Parking, and Article VI, LOADING ZONES, Section 7.601, Limited Hours Loading Zones and schedule third reading at the September 14, 2026, City Council meeting.

D. Third and Final Reading of Ordinance Amendment to Chapter 12, Building Code, Section 1201 through 1209, by deleting and replacing the entire Chapter:

Over the last several years, the New Hampshire Legislature has passed laws limiting a municipality's ability to amend the State of New Hampshire's Building Code ("Building Code"). The New Hampshire Legislature recently adopted several amendments to laws regarding the Building Code. Effective July 1, 2026, the Building Code will include the most recent version (2024) of many of the International Codes which collectively make up the Building Code. A new amendment to RSA 155-A clarifies that local amendments for administrative functions in administering the Code are permissible, but local amendments to the technical requirements of the Code are prohibited. Prior to July 1, 2026, the issuance of permits and the collection of fees were not considered amendments to the Building Code, however under the new law they are now considered local amendments.

Local amendments to the Building Code require confirmation by the State Building Code Review Board ("Board"). The law governing the Board's process of review and approval of local amendments is unusual.

The "proposed final ordinance" is the version of the ordinance that the Board reviews, and it is the version that has passed second reading. Whereas the Council passed the second reading on August 3, 2026, the City has sent the ordinance to the Board for its review and confirmation at its August 14, 2026 meeting, which will enable the City to hold a third and final reading at this evening's meeting. The ordinance cannot go into effect until after the Board confirms it.

The proposed amendment to Chapter 12 deletes the existing Chapter in its entirety and replaces it with several administrative local amendments in compliance with the new laws effective July 1, 2026. It is my recommendation that the Council passes the third and final reading at the August 17, 2026 City Council meeting.

I recommend that the City Council move to pass third and final reading of the amendment to Chapter 12, Building Code, Sections 1201 through 1209, as presented.

E. Public Hearing Continued from August 3, 2026 Meeting to Set Parking Fees for On-Street and Lot Parking for FY2027: \$3 per hour for first 3 hours and \$6 per hour thereafter pursuant to Chapter 1, Administrative Code, Article XVI, Adoption of Fees, Section 1.1601, Procedure:

The City Council continued the public hearing on setting new parking rates for on-street and lot parking from the August 3, 2026 meeting to tonight. The Council confirmed that the on-street Resident Access Parking Pilot Program (RAPP) parking rate will remain the same as the regular on-street parking rate. The Council held a work session earlier this evening in order to present more information to the public on new parking rates for on-street and lot parking.

After this evening’s public hearing, the Council may set new parking rates for on-street and lot parking pursuant to Chapter 1, Article XVI, Section 1.1601.

11. City Manager’s Items Which Require Action:

A. Request for Rolling Stock Work Session:

I would like to request that the City Council schedule a Rolling Stock Work Session at 6:00 p.m. on October 26, 2026.

I recommend that the City Council move to schedule a Rolling Stock Work Session at 6:00 p.m. on October 26, 2026.

B. Rescission of City Council Policy No. 2018-02 – License Fee for Encumbrance of City Property:

City Council Policy No. 2018-02 – License Fee for Encumbrance of City Property should be rescinded because the subject of license fees has been incorporated into an amendment to Chapter 6, Licenses and Encumbrances, Article I, Encumbrance Permits and Licenses for Use of Public Property, Section 6.111, Fees.

I recommend that the City Council move to rescind City Council Policy No. 2018-02 – License Fee for Encumbrance of City Property.

C. Request for First Reading of Amendment to Chapter 1, Administrative Code, Article III, Boards, Section 1.302 (D), Appointments, Tenure, and Removal:

The Administrative Code, Chapter 1, Article III, Section 1.302 (D) currently requires the City Clerk’s office to publish notice of Board, Committee, and Commission vacancies in a newspaper. City staff recommend a minor update to the Administrative Code to remove the newspaper publication requirement (vacancies are identified on the City’s website) and rework notice provisions to be more flexible. The recommended amendment is included in the Council’s packet.

I recommend that the City Council move to schedule first reading of Amendment to Chapter 1, Administrative Code, Article III, Boards, Section 1.302 (D), Appointments, Tenure, and Removal at the September 14, 2026, City Council Meeting.

D. Polling Hours for NH State Primary and General Election:

In accordance with RSA 659:4, the City Council shall determine the polling hours for an election. Based on past mid-term election years, I request that the polling hours for the NH State Primary Election, September 8, 2026 and the NH General Election, November 3, 2026, be established from 8:00 a.m. to 7:00 p.m.

I recommend that the City Council move to set the polling hours for the NH State Primary Election on September 8, 2026, and the NH General Election on November 3, 2026 from 8:00 a.m. to 7:00 p.m.

E. Approval of Custodial Supervisors Tentative Agreement:

Enclosed please find a memorandum from Labor Negotiator Tom Closson and a proposed Custodial Supervisors Tentative Agreement.

I recommend that the City Council move to approve the proposed Custodial Supervisors Tentative Agreement as presented.

F. Approval of the AFSCME 1386A Tentative Agreement:

Enclosed please find a memorandum from Labor Negotiator Tom Closson and a proposed AFSCME 1386A Tentative Agreement.

I recommend that the City Council move to approve the proposed AFSCME 1386A Tentative Agreement as presented.

G. Donation of Memorial Bench at Bohenko Gateway Park in Honor of Sue Werner Thoresen:

At its November 17, 2025, meeting, the Portsmouth City Council approved a request from the Public Art Review Committee (PARC) to undertake the fundraising, soil testing, engineering and legal steps necessary to design, fabricate and install a sculptural bench in Bohenko Park designed by the artist Sijia Chen in memory of the late Sue Werner Thoresen (Memorial Bench).

Most of the funds necessary to fabricate and install the Memorial Bench are anticipated to come from private fundraising. Bob Thoresen has provided an initial check to the City in the amount of \$10,000. Thus, the first request of the City Council is to accept his donation and any additional donations as described in the proposed motion below.

In the event donations do not fully cover all costs related to the Memorial Bench, there are funds available in the Public Art Trust to cover the costs, which expenditure PARC supports. Consequently, the second request to the City Council is to allow for the release of funds from the Public Art Trust should that be necessary.

I recommend that the City Council move to request the City Council accept a ten-thousand-dollar (\$10,000.00) donation to the City from Bob Thoresen to be used toward the bench; and vote to accept any additional financial contribution toward the bench from Bob Thoresen, the Thoresen family, or other private donor(s);

And

I recommend that the City Council move to authorize and direct the Trustees of Trust Funds to disburse such sums from the City of Portsmouth Public Art Trust as directed and certified by the City Manager that such funds are needed to complete the design, fabrication and installation of the sculptural memorial bench to be installed in Bohenko Park not otherwise paid by private donations. Such sums may include, without limitation, payments due or obligations satisfied under a contract with Sijia Chen and any incidentals that might fall outside of said contract. Funds shall come from the Capital Improvement Program contributions to the Public Art Trust. No further approval of the City Council is required.

13. Presentations and Written Communications:

A. **CIP Kickoff Presentation:**

Deputy City Manager – Finance and Administration Nathan Lunney will provide a presentation regarding the FY28-FY33 CIP at this evening's meeting.

17. City Manager's Informational Items:

A. **Report Back on Encumbrance Permits:**

As requested at the August 3, 2026 City Council meeting, I will provide a verbal report back on encumbrance permits.

CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2018-02

LICENSE FEE FOR ENCUMBRANCE OF CITY PROPERTY

Any party temporarily encumbering city property for purposes of construction beyond thirty working days shall apply to the City Council for a license and pay the following fees:

- A. Metered parking spaces consistent with the daily fees determined by the fee schedule.
- B. Any City land that includes unmetered parking spaces, travel ways, loading zones and sidewalks – \$0.05 per square foot per day
- C. Any other City land / right-of-way not included in the above categories shall be charged a flat fee of \$400 per each 400 square feet for the first 30 days. Each additional 30 day period the fee shall be \$200 per each 400 square feet. The aforementioned fee shall be in place until July 1, 2019 when the fee shall be listed on the City of Portsmouth's annual fee schedule.

The license fees set forth above will be doubled if the encumbrance period extends beyond its terms.

Any encumbrance that extends beyond thirty working days without an approved City Council license shall also be subject to the above fees.

The City Manager may waive the license fees for parking in unmetered spaces if the applicant can provide equivalent public parking in the immediate vicinity of the licensed area.

The Public Works Director shall administer the application of the License fees under this policy.

All applicable license fees shall be paid prior to the start of the term of the license. If the licensee ceases to encumber the property prior to the end of the term, the licensee may request a refund of any license fees for any unused days.

Any party that disputes the application of this policy to its request for a license may appeal to the City Manager.

Adopted by the Portsmouth City Council on: April 16, 2018

Amended by the Portsmouth City Council on: November 19, 2019

Ratified by the Portsmouth City Council on: January 8, 2020

Ratified by the Portsmouth City Council on: January 24, 2022.

Ratified by the Portsmouth City Council on: January 16, 2024.

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article III, Section 1.302 (D) – **Appointments, Tenure and Removal** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

Section 1.302: APPOINTMENTS, TENURE AND REMOVAL

A. All appointees to Boards shall serve for the term appointed or until a successor shall have been appointed and qualified. Appointments for unexpired terms shall be for the remainder of that term or until a successor shall have been appointed and qualified.

B. At the first meeting of the Board, Commission, or Authority in January of each year, the committee shall elect a Chair, unless a procedure is otherwise specified in the enabling section of the ordinance. Records of attendance shall be kept by the Chair of Boards and Commissions appointed by the City Council. The attendance records of Boards and Commissions shall be reported to the City Council on an annual basis. If a member notifies the Chair of the Board or Commission prior to a meeting that he/she/they will not be able to attend the meeting due to sickness, vacation or out of town business travel, such absence will be considered an excused absence and so noted in the minutes of the meeting and the attendance sent to the Council. The City Council shall declare vacant the office of any member who has unexcused absences from more than one-third of the regularly scheduled meetings of the board or commission in any calendar year.

C. In the case of appointees who must be removed pursuant to State Statute, the Chair of the Board or Commission shall notify the City Council in writing of any members in violation of the previous paragraph and such violation may be found by the City Council to be neglect of duty and may be grounds for dismissal.

~~D. Every member of a board, commission or committee of the City, whose term is to expire, shall receive a notice from the City Clerk sixty (60) days prior to the expiration of his or her term. A copy of the notice shall be sent to the City Council. Public notice of the upcoming vacancy shall be advertised in the local newspaper.~~

D. The City Clerk shall provide reasonable notice to board, commission and committee members of upcoming expiring terms. The City Clerk shall provide reasonable notice to the public of existing vacancies and expiring terms through the City's website or other municipal communication tools that are or may become available.

E. Eligibility for appointment to Municipal Boards shall be limited to residents of the City of Portsmouth. Any individual who is a resident of the City at the time of appointment to a Municipal Board shall become ineligible to remain on that Municipal Board in the event that the individual shall discontinue residency in the City. (Adopted 9/22/97)

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Sally Kellar, City Clerk

THOMAS M. CLOSSON
ATTORNEY AT LAW, PLLC

To: City Manager Conard, Mayor McEachern, and Members of the
Portsmouth City Council
cc: Superintendent McLaughlin, Human Resources Director Harper
From: Tom Closson
Re: Tentative Agreement with the Portsmouth School Custodial
Supervisors Union
Date: August 10, 2026

I am pleased to provide you with the attached proposed tentative agreement on a three (3) year collective bargaining agreement with the Portsmouth School Custodial Supervisors Union.

A few points about this proposed tentative agreement are worth highlighting.

First, the tentative agreement includes important language granting the School District/City increased flexibility on health/dental insurance plan and carrier choices.

Second, the tentative agreement removes all references to SchoolCare.

Third, the tentative agreement includes annual increases (1.0% per contract year) to the employees' share of health insurance premiums.

Fourth, the tentative agreement provides reasonable wage increases based on the School District's/City's standard calculation of the rolling 10-year average CPI-U. This results in a 3.03% wage increase effective and retroactive to July 1, 2026.

This tentative agreement has been ratified by the Union. The School Board will be voting on the tentative agreement on August 11, 2026. Assuming the tentative agreement is ratified by the School District, I am pleased to recommend it to you for approval.

**PORTSMOUTH BOARD OF EDUCATION
And
PORTSMOUTH SCHOOL CUSTODIAL SUPERVISORS UNION
TENTATIVE AGREEMENT**

<u>CBA ARTICLE</u>	<u>CHANGE</u>
All	Edit CBA to remove his/her and other gender specific language throughout.
All	Fix spacing, numbering, and formatting as necessary.
5 (Holidays)	Change <i>Indigenous Peoples' Day</i> back to <u>Columbus Day</u> . Add the following language: <u>If the Portsmouth School Custodians bargaining unit increases its allotment of paid holidays, the Portsmouth School Custodial Supervisors' bargaining unit will be entitled to the same increase.</u>
10 (Vacation Accumulation)	Change as follows: <i>Vacation accumulation is not to exceed forty (40) <u>fifty (50)</u> days.</i>
19 (Just Cause)	Change as follows: <i>No employee shall be penalized, disciplined, suspended, reprimanded, adversely evaluated, reduced in rank or compensation, or deprived of any advancement without just cause.</i>
47 (Overtime)	Add the following: <u>Employees who are ordered in to work outside their normal schedule for the purpose of responding to a weather-related emergency, as declared by the Superintendent or their designee, will be compensated at their overtime rate of compensation.</u>

52 (Clothing Allowance/Shoe Allowance)	Effective July 1, 2026, increase annual boot allowance to <u><i>three hundred dollars (\$300.00)</i></u> and adopt attached policy.
55 (Credit Union)	Delete.
65 (Health Insurance)	Provide coverage under only <u><i>Cigna 2.0 Plan or the equivalent</i></u> and remove all references to <u><i>School Care</i></u> . <u><i>Increase employee premium cost share by 1.0% in each year of the CBA.</i></u>
65 (Health Insurance)	Add the following language: <u><i>Given current volatility in the health insurance industry, the parties recognize and agree that the District may change health insurance plans and/or carriers during the term of this Agreement. If such change occurs, the District will bargain in good faith with the Union to provide comparable insurance coverage. The parties further recognize and agree that the District provides insurance coverage subject to all contractual limitations and exclusions imposed by the carrier, including any contractual right of the carrier to modify coverage (such as prescription benefit coverage) during the term of this Agreement.</i></u>
68 (Dental Insurance)	Add the following language: <u><i>Given current volatility in the health insurance industry, the parties recognize and agree that in order to continue to provide coverage, the District may need to change dental insurance plans and/or carriers during the term of this Agreement. If such change occurs, the District will bargain in good faith with the Union to provide comparable insurance coverage. The parties further recognize and agree that the District provides insurance coverage subject to all contractual limitations and exclusions imposed by the carrier, including any contractual right of the carrier to modify coverage (such as prescription benefit coverage) during the term of this Agreement.</i></u>
72 (Wage And Salary Guide)	<u><i>Effective July 1, 2026 – the current wage schedule will be increased by 3.03% (calculated based on the City’s standard COLA - rolling 10-year average CPI-U – 2.0% - 5.0%).</i></u>

	<u><i>Effective July 1, 2027 – the wage schedule will be increased by the City’s standard COLA - rolling 10-year average CPI-U – 3.0% - 5.0%.</i></u> <u><i>Effective July 1, 2028 – the wage schedule will be increased by the City’s standard COLA - rolling 10-year average CPI-U – 2.0% - 5.0%.</i></u> Adjust corresponding language and dates as necessary.
73 (Longevity)	<u><i>Effective July 1, 2026 – the current longevity schedule will be increased by 3.03% (calculated based on the City’s standard COLA - rolling 10-year average CPI-U – 2.0% - 5.0%).</i></u> <u><i>Effective July 1, 2027 – the longevity schedule will be increased by the City’s standard COLA - rolling 10-year average CPI-U – 3.0% - 5.0%.</i></u> <u><i>Effective July 1, 2028 – the longevity schedule will be increased by the City’s standard COLA - rolling 10-year average CPI-U – 2.0% - 5.0%.</i></u> Adjust corresponding language and dates as necessary.
76 (Duration)	Change to <u><i>three (3) year agreement, from July 1, 2026 to June 30, 2029.</i></u>

Dated: August 4, 2026

/s/ Thomas M. Closson
 Portsmouth Board of Education

Dated: 8-6-26


 Portsmouth School Custodial Supervisors Union

SCHOOL CUSTODIAL SUPERVISORS UNION - Revised 8-6-2026

COLA		3.03%	3.00%	2.00%
SSA and Medicare	7.65%	7.65%	7.65%	7.65%
NH Retirement	12.75%	12.75%	12.75%	12.75%

8/10/2026

GENERAL FUND ONLY:

CURRENT CONTRACT - (Steps only / No COLA)

	FY26 Base	FY27	FY28	FY29	Projected total for 3 years
Wages	353,808	354,328	354,619	354,619	1,063,566
Longevity	7,094	7,325	7,440	7,590	22,355
NH Retirement	46,015	46,111	46,163	46,182	138,456
FICA	27,609	27,666	27,698	27,709	83,073
	434,526	435,430	435,920	436,100	1,307,450
Year-to-Year CURRENT Gross Budget Change		904	490	180	1,574
% Change		0.21%	0.11%	0.04%	0.36%
					0.12%

PROPOSED TENTATIVE AGREEMENT - GROSS BUDGET

	FY26 Base	FY27	FY28	FY29	Projected total for 3 years
Wages	353,808	365,102	376,397	383,968	1,125,467
Longevity	7,094	7,545	7,891	8,197	23,633
NH Retirement	46,015	47,513	48,997	50,001	146,511
FICA	27,609	28,508	29,398	30,001	87,907
	434,526	448,668	462,683	472,167	1,383,518
Year-to-Year PROPOSED Gross Budget Change		14,142	14,014	9,484	37,641
		3.25%	3.12%	2.11%	8.66%
					2.89%

FY27 Included in Budget in Collective Bargaining Cont

BREAKDOWN OF TENTATIVE AGREEMENT COSTS OVER "CURRENT" GROSS BUDGET

YEAR-TO-YEAR Change Over Prior Year Base

	FY26 Base	FY27	FY28	FY29	Projected total for 3 years
Wages	-	10,774	11,003	7,571	29,349
Longevity	-	220	231	156	607
NH Retirement	-	1,402	1,432	985	3,819
FICA	-	842	858	592	2,292
TOTAL COST OF TENTATIVE AGREEMENT	-	13,238	13,524	9,304	36,067
		3.05%	3.11%	2.14%	8.30%
					2.77%

CUMULATIVE TENTATIVE AGREEMENT COST

Cumulative Difference Between "CURRENT" Gross Budget and "PROPOSED" Gross Budget over Duration of Agreement

	FY26 Base	FY27	FY28	FY29	Projected total for 3 years
Salary	-	10,774	21,778	29,349	61,901
Longevity	-	220	451	607	1,278
NH Retirement	-	1,402	2,834	3,819	8,055
FICA	-	842	1,700	2,292	4,834
CUMULATIVE COST OF TENTATIVE AGREEMENT	-	13,238	26,763	36,067	76,068
					New Cost FY26-FY29

THOMAS M. CLOSSON
ATTORNEY AT LAW, PLLC

To: City Manager Conard, Mayor McEachern, and Members of the
Portsmouth City Council
cc: Kelly Harper, Peter Rice
From: Tom Closson
Re: Tentative Agreement with the Portsmouth City Employees, Local
#1386A
Date: August 10, 2026

I am pleased to provide you with the attached proposed tentative agreement on a three (3) year collective bargaining agreement with the Portsmouth City Employees, Local #1386A. A detailed costing analysis prepared by Nathan Lunney is attached.

A few points about this proposed tentative agreement are worth highlighting.

First, the tentative agreement includes important language granting the City increased flexibility on health/dental insurance plan and carrier choices.

Second, the tentative agreement includes annual increases (1.0% per contract year) to the employees' share of health insurance premiums on current health insurance plan options, and adds a new, less expensive, health insurance plan option for employees to select.

Third, the tentative agreement provides reasonable wage increases based on the City's standard calculation of the rolling 10-year average CPI-U, between 2.0% and 5.0%. This results in a 3.03% wage increase effective and retroactive to July 1, 2026.

Fourth, the tentative agreement adds new interim 1.75% salary Steps at 7.5 years and 15 years, while reducing the current salary Steps at 10 years and 20 years from 2.75% to 1.0%.

Fifth, the tentative agreement accelerates the levels of accrual of vacation leave but maintains the same top level of accrual.

Sixth, the tentative agreement provides important procedural guardrails on the use of leave time (i.e. requiring notice consistent with existing City policies, eliminating the separate category of paid time off for medical appointments).

This tentative agreement has been ratified by the Union. I am pleased to recommend this tentative agreement to you for approval.

**CITY OF PORTSMOUTH, NEW HAMPSHIRE
And
PORTSMOUTH CITY EMPLOYEES, LOCAL #1386A**

TENTATIVE AGREEMENT

<u>CBA ARTICLE¹</u>	<u>CHANGE</u>
Cover And Throughout CBA As Necessary	Three (3) year duration – July 1, 2026, to June 30, 2029.
Throughout CBA As Necessary	Remove all gender specific language.
Article 3 (Recognition)	Update as necessary to reflect current bargaining unit positions and titles.
Article 5 (Employment And Termination), Section 5.2 (Posting Jobs And Vacancies)	Modify as follows: <i><u>All internal candidates may apply and will be interviewed, but only applicants who meet all the requirements of the role will be interviewed.</u></i>
Article 5 (Employment And Termination), Section 5.4 (Bidding Restriction)	Add the following language: <i><u>Probationary employees will not be permitted to bid on a position until six (6) months after their hire date, contingent upon meeting all job requirements and receiving approval from the Department Head. This six (6) month restriction may be waived by the Department Head.</u></i>
Article 7 (Wages), Article 7.1	On July 1, 2026, July 1, 2027, and July 1, 2028, increase wages by COLA based on City standard 10-year average rolling CPI-U COLA, between 2.0% and 5.0%.

¹ Article numbers will be modified in the final CBA.

Article 7 (Wages), Section 7.14	Add the following language: <u>Bargaining Unit Members who obtain ASE Certification will also be placed on the appropriate grade of the salary schedule.</u>
Article 7 (Wages), NEW Section 7.16	Add the following NEW section: <u>Any Bargaining Unit Member assigned to operate a sidewalk tractor during winter operations will be plus rated to the Equipment Operator I level at the employee's current step.</u>
Article 9 (Health Insurance), Section 9.1	Increase Bargaining Unit Members' percentage of health insurance premium cost sharing by 1.0% on July 1 of each year of the CBA. <u>Add the Anthem Site of Service plan as an additional option with the following premium cost-sharing: Year 1 – 7%/93%; Year 2 – 8%/92%.</u>
Article 9 (Health Insurance), Section 9.1	Add the following language: <u>Given current volatility in the health insurance industry, the parties recognize and agree that in order to continue to provide insurance coverage, the City may need to change health insurance plans and/or carriers during the term of this Agreement. If such change occurs, the City will bargain in good faith with the Union to provide comparable insurance coverage. The parties further recognize and agree that the City provides insurance coverage subject to all contractual limitations and exclusions imposed by the carrier, including any contractual right of the carrier to modify coverage (such as prescription benefit coverage) during the term of this Agreement.</u>
Article 9 (Health Insurance), Section 9.2	Delete Section (125 Plan).
Article 9 (Health Insurance), Section 9.3	Delete Section (generic drug rider).

Article 9 (Health Insurance), Section 9.5	Add the following language: <u><i>Given current volatility in the health insurance industry, the parties recognize and agree that in order to continue to provide coverage, the City may need to change dental insurance plans and/or carriers during the term of this Agreement. If such change occurs, the City will bargain in good faith with the Union to provide comparable insurance coverage. The parties further recognize and agree that the City provides insurance coverage subject to all contractual limitations and exclusions imposed by the carrier, including any contractual right of the carrier to modify coverage (such as prescription benefit coverage) during the term of this Agreement.</i></u>
Article 9 (Health Insurance), Section 9.8	Change <i>Workman's Compensation</i> to <u><i>Worker's Compensation</i></u>.
Article 9 (Health Insurance), Section 9.10	Delete Section (NHRS Death Benefit).
Article 10 (Sick Leave)	Modify Article to read in its entirety as follows: <u><i>10.1 - All Bargaining Unit Members will be entitled to accrue fifteen (15) days of sick leave per year.</i></u> <u><i>10.2 - Only Bargaining Unit Members hired by the City prior to January 1, 1990, will be entitled to the unlimited accrual of sick leave. Bargaining Unit Members hired on or after January 1, 1990, will have a maximum accrual of one hundred fifty (150) days of sick leave.</i></u> <u><i>10.3 - Only Bargaining Unit Members hired by the City prior to January 1, 1990, will, upon their separation from employment with the City (whether by retirement, resignation, or termination), be entitled to payment of an amount equal to seventy-five percent (75%) of their accumulated sick leave as of the date of their separation from employment with the City. Bargaining Unit</i></u>

	<u>Members hired on or after January 1, 1990, will not be entitled to any payout for their accumulated sick leave at the end of their employment with the City.</u> <u>10.4 – Upon the death of a Bargaining Unit Member while in the employ of the City, the City will pay the Bargaining Unit Member’s estate an amount equal to one hundred percent (100%) of their accumulated sick leave as of the date of their death.</u>
Article 11 (Medical Appointments)	Delete Article (Paid Time Off For Medical Appointments).
Article 13 (Vacations), Section 13.3	Modify to the following: <u>All full-time Bargaining Unit Members will accrue annual time at the following rate:</u> <u>1-5 years = 10 days</u> <u>6 years = 11 12 days</u> <u>7 years = 12 14 days</u> <u>8 years = 13 16 days</u> <u>9 years = 14 18 days</u> <u>10 years = 15 20 days</u> <u>11-12 years = 16 21 days</u> <u>12 years = 22 days</u> <u>13-14 years = 17 days</u> <u>15-16 years = 18 days</u> <u>17-18 years = 19 days</u> <u>19-20 years = 20 days</u> <u>21 years = 21 days</u> <u>22 years = 22 days</u> <u>[Delete Section 13.3(A)]</u>
Article 13 (Vacations), Section 13.4	Change to the following: <u>Bargaining Unit Members will not accumulate more than fifty (50) days of vacation as of December 31 of each calendar year.</u>

Article 13 (Vacations), Section 13.5	Change to the following: <i><u>All leave time must be applied for in advance, if possible, in accordance with City Policies, to the immediate Supervisor or Department Head.</u></i>
Article 13 (Vacations), Section 13.7	In first sentence, change <i><u>Bach</u></i> to <i><u>Each</u></i> .
Article 16 (Holidays), Section 16.1	Replace <i><u>½ day Good Friday</u></i> with <i><u>½ day Christmas Eve</u></i> .
Article 17 (Union Convention Leave), Sections 17.1 and 17.2	Amend Sections 17.1 and 17.2 to apply only to <i><u>Bargaining Unit Member(s) currently serving on the 1386A Board.</u></i>
Article 27 (Callouts), Section 27.3	Add <i><u>Lift Station employees</u></i> to the list of excluded employees.
Article 27 (Callouts), NEW Section 27.4	Add the following new Section: <i><u>A Bargaining Unit Member will forfeit the on-call stipend if replacement coverage is required for more than one (1) day. For example, one (1) sick day is allowed, but an employee who gets the flu and is out for several days will lose the on-call stipend and the person who provided replacement coverage will be paid the on-call stipend instead.</u></i>
Article 29 (Hours Of Work And Overtime), Section 29.8	Add the following definitional language after <i><u>work emergencies</u></i> = <i><u>such as snow fighting activities, water main breaks, significant weather events, and other required overtime approved in advance by the Director of Public Works.</u></i>
Article 30 (Uniforms), Section 30.1(D)	Delete Section (Dispatch Uniforms).
Article 38 (Stand By Pay), Section 38.1	Add <i><u>Lift Station Operators.</u></i>
38 (Stand By Pay), Section 38.3	Add <i><u>Lift Station Foreman (or current Supervisor).</u></i>

NEW	• Elevate Garage Attendants to Grade 4 • Elevate UM-Meter Readers to Grade 8 and add title Meter Tech • Elevate Garage Attendant/Security Guard to Grade 5 and correct title • Add new role for Heavy Equipment Mechanic at Grade 14, retain Grade 13 and ASE Certification
NEW	Add the following new provision: <u><i>Bargaining Unit Members who are hired after this contract goes into effect who are required to obtain a CDL will be approved for City funded CDL training following their first anniversary. Bargaining Unit Members will be required to obtain their CDL prior to their second anniversary. If a Bargaining Unit Member is unable to obtain their CDL, the Bargaining Unit Member's next scheduled step on the salary schedule will be delayed until such time as the CDL is obtained, or the Bargaining Unit Member can move to a non-CDL required position if such a position is available and if the Bargaining Unit Member is qualified for the position .</i></u>
NEW	Add the following new provision: <u><i>Once a Bargaining Unit Member in the position of Laborer, Downtown Laborer, or Water/Sewer Laborer receives a CDL, the Bargaining Unit Member will automatically be promoted to Truck Driver I or Sanitation Truck Driver II (as applicable), although continued performance of tasks of the lower position will still be required.</i></u>
NEW	Add language to define solid waste staff workday – see attached.

Article 29 (Hours Of Work And Overtime), Section 29.6	Delete (Waiver of daily OT requirements).
Article 29 (Hours Of Work And Overtime), Section 29.1	Change to <u>“...thirty (30) calendar day notice...”</u> and delete last sentence.
Article 9 (Insurance), Section 9.7 (Long Term Disability)	Change to <u>“...91st day of disability...”</u> and “...benefits payable to age 65 <u>if the employee qualifies...</u> ”
Annual Leave Buyback	<u>“Employees who exceed their annual leave maximum may sell back up to ten (10) days of excess annual leave to the City.”</u>
CDL Stipend	<u>Increase CDL Class A stipend to \$2,500 provided the City will determine, in each individual case, whether a CDL Class A license is required.</u>
STEP ADJUSTMENT	<u>Add new Step F at 7.5 years/90 months.</u> <u>Add new Step G at 10 years/120 months.</u> <u>Add new Step H at 15 years/180 month.</u> <u>Add new Step I at 20 years/240 months.</u>

Sanitation Laborers And Sanitation Truck Drivers (Truck Driver II):

It is understood that daily solid waste and recycling collection is based on "routes" and for the purpose of hours worked, a "route" is defined as equivalent to eight (8) hours. Management shall define a "route" and shall, in good faith, strive to ensure that all "routes" can be completed in an eight (8) hour day. Documented hours worked beyond normal daily "routes" will be compensated as normal calculation for overtime.

WORKING AGREEMENT

BETWEEN THE

CITY OF PORTSMOUTH, NEW HAMPSHIRE

PORTSMOUTH CITY EMPLOYEES LOCAL #1386

OF THE

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL
EMPLOYEES

AFL-CIO

July 1, 2026 to June 30, 2029

Article 1
WORKING AGREEMENT

The City of Portsmouth, hereafter referred to as the City, and the Portsmouth City Employees, Local #1386A of the American Federation of State, County and Municipal Employees, hereinafter referred to as the Union, in order to maintain the existing harmonious relationship between the City Manager, who is the Chief Executive Officer, as set forth in the City Charter, as amended, and its employees join in this Agreement to promote the morale, equal rights, well-being and security of the Portsmouth City Employees. The City Manager, representing the City Council, and the Union hereby agree as follows:

Article 2

REMOVAL OF GENDER SPECIFIC LANGUAGE AND
ADOPTION OF NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

The parties have amended this Agreement to remove gender specific language. Additionally, the parties agree to abide by the City's Non-Discrimination and Anti-Harassment Policy.

Article 3
RECOGNITION

- 3.1 Employees covered by the Agreement are those who are employees of the City of Portsmouth within the jurisdiction of the American Federation of State, County and Municipal Employees in the positions defined in section 3.5 below.
- 3.2 In December of each calendar year the Union shall notify the City of the amount of its dues.
- 3.3 Upon receiving a written authorization card signed by the employee and approved by the Union, the City agrees to deduct from the employee's wages a sum for the Union dues to be collected from the first paycheck of each month.
- 3.4 The City agrees to deduct from the wages of any employee who is a member of the Union a PEOPLE deduction as provided for in a written authorization. Such authorization must be executed by the employee and may be revoked by the employee at any time by giving written notice to both the employer and the Union. The employer agrees to remit any deductions made pursuant to this provision promptly to the Union together with an itemized statement showing the name of each employee from whose pay such

deductions have been made and the amount deducted during the period covered by the remittance. This deduction is authorized by NH RSA 275:48 I. (e).

- 3.5 The following position classifications come under the provisions of Union membership set forth in the contract:

Desk Attendant/Lifeguard
Pool/Spa Technician
Chemist
Lead Custodian
Electrician
Equipment Mechanic
Laborer
Plant Operator
Plant Operator I
Plant Operator II
Master Carpenter
Custodian
Dispatcher I
Dispatcher II
Engineering Technician
Equipment Operator I
Equipment Operator II
Lab Technician
Meter Reader
Parking Garage Attendant
Garage Attendant/Security Guard
Assistant Foreman
Recycling Truck Driver
Truck Driver I
Truck Driver II
Utility Mechanic
Sanitation Laborer

- 3.6 The City hereby recognizes that the Union is the sole, exclusive representative of all permanent employees of the City who are members of the Union for the purpose of bargaining with respect to wages, hours of work and working conditions and the Union unreservedly accepts and recognizes the necessity of the City to operate within its budget, as set forth by the City Charter as amended.
- 3.7 The City agrees for itself and any of its authorized agents that it will not bargain with any individual employee on matters pertaining to wages, hours of work, working conditions, transfers or promotions covered by this contract.

- 3.8 The Union agrees for itself and its members that no member will bargain with the City or any of its authorized agents on matters pertaining to wages, hours of work, working conditions, transfers or promotions covered by this contract.

Article 4
MANAGEMENT RIGHTS

It is understood that the City shall have exclusive control of the operation of the City. Nothing in this agreement shall be deemed to limit the City in any way in the exercise of the regular and customary functions of management, including those protected by the NH Public Employee Labor Relations Act, the direction of the working forces, the establishment or methods of operation, the establishment of plans for efficiency, the adoption and maintenance of engineering standards, and the right to select or employ supervisory employees and their assistants, except as specifically and expressly limited by any of the provisions of this agreement.

Article 5
PROBATIONARY PERIOD AND CLASSIFICATION

- 5.1 Probationary Period: All new employees shall serve a probationary period of twelve (12) months, and during this period shall be classified as probationary employees.

Probationary Period and Extension of: All appointments will be made for a working test period subject to close review as to their competency to carry out work assignments. Probationary employees are considered at will and may be terminated with or without cause.

- 5.2 Classification: Each employee shall be assigned a distinct classification (probationary or permanent):

- A. Probationary: Probationary employees are those employees hired to fill regular positions, but who are serving their probationary period of twelve months. Probationary employees shall be allowed to earn sick leave and vacation during their probationary period but shall not be entitled to be paid for such leave unless and until they have successfully completed six months of employment. Qualified probationary employees will be allowed to participate in the on-call rotation after the completion of six months of employment. Probationary employees shall be entitled to holiday pay in the same manner as other employees. Probationary employees shall not be entitled to other benefits of permanent employees. Health and Dental insurance will become effective the first of the month following first day of employment.

- B. Permanent: Permanent employees are those employees hired to fill regular full-time positions who have completed their probationary period.

Article 6

EMPLOYMENT AND TERMINATION

- 6.1 Posting Jobs and Vacancies: All new jobs and vacancies within the bargaining unit will be emailed to all staff who have a City email address and posted on the City's website. All internal candidates may apply, but only applicants who meet all the requirements will be interviewed. If, after the evaluation process is completed, an internal candidate is rated the same as an external candidate, the open position will be offered first to the internal candidate.
- 6.2 Trial Period: When bidding a new job, via promotion or transfer the permanent employee shall have a trial period of three (3) months in which they may request to be reinstated to their previous position, and if there is no disruption in the productivity of the department, the department head may grant the request.
- 6.3 Bidding Restriction: No employee who has successfully bid a job shall be allowed to exercise the right to bid another job within twelve (12) months of being assigned to a newly bid job unless bidding for a higher rate of pay in another job. Probationary employees will not be permitted to bid a position until six (6) months after their hire date, contingent upon meeting all job requirements and receiving approval from the Department Head. This six (6) month restriction may be waived by the Department Head.
- 6.4 Anti-discrimination: The City agrees that it will not discriminate against, intimidate, or coerce any employee in the exercise of their rights to bargain collectively through the Union because of their membership herein or their activities on behalf of the Union.
- 6.5 Competitive Examination: The relative fitness of the applicants for appointment or promotion within the employment of the City will be determined by competitive examination, which will include the consideration and rating of any or all of the following qualification factors: education, experience, special aptitudes, ability to perform the essential functions of the job either with or without reasonable accommodation, knowledge, skills, and such other qualifications as may be deemed necessary for the satisfactory performance of the duties of the respective

position. All factors being equal ,seniority shall determine appointment.

- 6.6 Absenteeism Without Notification: An absence of three (3) consecutive working days without notifying the immediate supervisor concerned shall serve as basis for immediate dismissal.
- 6.7 Working Days: For the purposes of this Article, working days are Monday through Friday, not including holidays.

Article 7 SENIORITY

- 7.1 Definition: An employee's seniority shall commence with their hiring day provided the employee is not discharged and is in the City's continuous employ beyond the probationary period. All employees who are not permanent shall be deemed to have no seniority status and may be discharged.
- 7.2 Forfeiture: Seniority is forfeited only by discharge for just cause, resignation or retirement. In no case will seniority be interrupted or forfeited by illness, layoff, military duty, or approved leave of absence.
- 7.3 Layoffs: When it is necessary to reduce the number of employees on the City payroll because of the lack of work or funds, the City Manager shall decide which employees shall be laid off in accordance with the following provisions:
- A. Layoffs shall be by job classification within each department, and;
 - B. All temporary employees within the job classification in which the layoff is to occur shall be laid off before any other employees in the job classification.
 - C. Probationary part-time employees shall be laid off before [any other] permanent part-time employees, and;
 - D. Part-time employees shall be laid off before any full-time employees are laid off, and;
 - E. Probationary full-time employees shall be laid off before any non-probationary full-time employees are laid off, and;
 - F. Among each group of employees eligible to be laid off, the City Manager shall select the least senior employee to be laid off.

- 7.4 A. Re-employment List: Employees separated from the service of the City through no fault of their own shall be placed on a re-employment list.
- B. The City agrees to maintain employees on this re-employment list for twenty-four (24) months following the employee's date of lay-off. This list will be kept for each job classification within each department.
- C. An employee re-hired under these circumstances shall be credited with full seniority.
- 7.5 Reduction in Classification: When an employee is involuntarily transferred (demoted) to a lower class position or the employee's position is reduced in pay classification, if the employee's present salary is higher than the maximum for the new class, their present salary shall be frozen until general pay increases bring the salary within the range for the new position. When an employee voluntarily seeks a transfer (demotion) to a lower-class position, the employee's salary shall not exceed the maximum salary for the position in the employee's new class.
- 7.6 The City will annually create a seniority list by classification, department, and date of hire.

Article 8
WAGES

- 8.1 Employees shall be paid in accordance with the position classifications and rates which are attached to this Agreement as **Appendix 1**. During the term of this Agreement, these rates will be increased as follows:
- A. Effective July 1, 2027, a wage increase based on the City's COLA calculation with a floor of 2% and a ceiling of 5%.
- B. Effective July 1, 2028, a wage increase based on the City's COLA calculation with a floor of 2% and a ceiling of 5%.
- 8.2 City's COLA Calculation: COLA shall be determined by the rolling ten (10) year average in the CPI-U for the Boston-Cambridge-Newton all items index as computed by the Bureau of Labor Statistics of the U.S. Department of Labor for the most recent calendar year preceding the July 1 adjustment. BLS's calendar year for this index is November through November, it is not published on a December-to-December basis. The reference base is 1982-1984 equals 100 until BLS updates the reference base at which time the parties agree to adopt the official reference based as used by BLS.

8.3 Applicability After Contract Expires: It is clearly understood that if this three-year Working Agreement expires without a successor Working Agreement being settled prior to July 1, 2029, that no further COLA after July 1, 2028, will be generated under the Working Agreement even if the Working Agreement has an evergreen clause. It is further agreed that continuation of COLA is not to be deemed "status quo" as the term has been used by the NH PELRB if a successor agreement has not been settled by July 1, 2029. If a successor agreement is not reached, the parties will agree to meet and confer over the ability to continue step increases until a successor agreement is reached.

8.4 Hourly Three (3) Step Employees:

First twelve (12) Months	Step C
Next twelve (12) months	Step D
At twenty-four (24) months	Step E
At seven and a half (7.5) years	Step F
At ten (10) years	Step G
At fifteen (15) years	Step H
At twenty (20) years	Step I

8.5 The Three Step Employees subject to Section 8.4 wage progression are:

Parking Garage Attendant, Custodian, Dispatcher I, Dispatcher II, Meter Reader, Sanitation Laborer, Truck Driver I, Truck Driver II, Utility Mechanic, Equipment Operator I, Plant Operator I, Equipment Operator II, Pool/ Spa Tech, Garage Attendant/Security Guard, Recycling Truck Driver, Equipment Operator II, Electrician, Master Carpenter, Meter Reader, and Laborers.

8.6 Salaried Five (5) Step Employees:

First six (6) months	Step A
After six (6) months	Step B
After eighteen (18) months	Step C
After thirty (30) months	Step D
After forty-two (42) months	Step E

At seven and a half (7.5) years	Step F
At ten (10) years	Step G
At fifteen (15) years	Step H
At twenty (20) years	Step I

- 8.7 Notwithstanding, upon promotion to a higher Grade, an employee will remain at the same Step as prior to the promotion (i.e., in the event of a promotion from Grade 9 to Grade 10, an employee at Grade 9/Step D would move to Grade 10/Step D).
- 8.8 A. An employee acting in a position which has a higher maximum hourly rate shall receive a pay raise of one step over his/her present rate upon promotion or to the minimum of the new position, whichever is greater, but not less than 4.5%, and such increases as are set forth in the Salary Plan thereafter, based upon date of promotion.
- B. Temporary "plus rate assignments" shall be made on the basis of Department seniority among qualified employees who bid on the assignment. Qualifications shall be determined by the City.
- C. In no case shall an employee be paid less than their regular rate of pay.
- 8.9 The City shall: (1) Provide an equal opportunity for training and (2) any employee who has trained on any equipment may request and the City shall provide a written evaluation of the employee's performance on said piece of equipment.
- 8.10 All cost-of-living increases shall be in addition to the step increases to which the employees are entitled.
- 8.11 The City shall, upon written request and authorization from the employee, forward said employee's paycheck as a direct deposit to the banks or credit unions with direct deposit compatible with the computer programs utilized by the City. The City shall not be held responsible for any delay experienced by employee due to the transfer of funds to the bank or credit union.
- 8.12 Employees required to have State of New Hampshire Licensing for Collections, Distribution, or Treatment shall have added to their hourly base rate an amount as follows:
- A. \$0.50 Per/Hour for Grade 1 Distribution License upon providing a copy of the certification to the City.
- B. \$0.50 Per/Hour for Grade 1 Sewer Collections License upon providing a copy of the certification to the City.

- 8.13 Water treatment operators, waste-water treatment operators, and pump station operators will initially be placed in Grade 10 on the City's pay scale. Such employees will move to Grade 11 on the City's pay scale immediately upon attaining and providing the City with a copy of their New Hampshire Grade 1 Operator's License. Placement in Grade 11 will remain in effect provided the employee continues to hold a New Hampshire Grade 1 Operator's License in good standing. Such employees will then move to Grade 13 on the City's pay scale immediately upon attaining and providing the City with a copy of their New Hampshire Grade 2 Operator's License. Placement in Grade 13 will remain in effect provided the employee continues to hold a New Hampshire Grade 2 Operator's License in good standing.
- 8.14 The City will have discretion to hire new employees, including part-time employees, at the Step commensurate with their prior relevant experience, as determined by the Director, but no higher than the third (3rd) step on any salary schedule under this collective bargaining agreement.
- 8.15 The City will pay an additional \$0.50/hour for ASE certification upon receiving a copy of the certification from the employee. Bargaining Unit Members who obtain ASE Certification will also be placed on the appropriate grade of the salary schedule.
- 8.16 All permanent part-time staff, regardless of hours worked, will follow the same progression in steps as full-time employees.
- 8.17 Any Bargaining Unit Member assigned to operate a sidewalk tractor during winter operations will be plus rated to the Equipment Operator I level at the bargaining unit member's current steps.
- 8.18 Bargaining Unit Members who are hired after this Agreement goes into effect and who are required to obtain a CDL will be approved for City funded CDL training following their first anniversary. These Bargaining Unit Members will be required to obtain their CDL prior to their second anniversary. If one of these Bargaining Unit Members is unable to obtain their CDL, their next scheduled step on the salary schedule will be delayed until such time as the CDL is obtained, or the Bargaining Unit Member can move to a non-CDL required position if such a position is available and if the Bargaining Unit Member is qualified for the position.
- 8.19 Once a Bargaining Unit Member in the position of Laborer receives a CDL, the Bargaining Unit Member will automatically be promoted to Truck Driver I. Once a Bargaining Unit Member in the position of Sanitation Laborer receives a CDL, the Bargaining Unit Member will automatically be promoted to Truck Driver II.

Continued performance of tasks in the lower positions will still be required.

8.20 Any Bargaining Unit Member required by the City to obtain a Class-B CDL will be paid a prorated portion of the annual stipend of two thousand dollars (\$2,000.00), which shall be paid over twenty-six (26) pay periods beginning after the CDL is obtained.

Any Bargaining Unit Member who is required to obtain a Class-A CDL will be paid a prorated portion of the annual stipend of two thousand five hundred dollars (\$2,500), which shall be paid over twenty-six (26) pay periods beginning after the CDL is obtained. The City will retain the sole discretion to determine which Bargaining Unit Members are required to obtain a Class-A CDL.

Article 9 LONGEVITY

- 9.1 All Bargaining Unit Members shall receive longevity compensation. Longevity compensation shall commence on the first week in December following five (5) years of service. Longevity compensation shall be distributed to the employees before the fifteenth of December in a separate check.
- 9.2 Longevity compensation shall be distributed according to the following schedule. Length of service is calculated as of December 31st in each calendar year.

<u>Length of Service</u>	<u>Payment as of July 1, 2026</u>
5 years	\$379.53
10 years	\$759.06
15 years	\$1,138.60
20 years	\$1,518.15
25 years	\$1,897.68
30 years	\$2,277.20
35 years	\$2,656.73

- 9.3 Longevity shall begin to accrue upon date of hire.
- 9.4 On July 1, 2027, and July 1, 2028, the amounts specified in the longevity schedule in Article 9.2 shall be adjusted a percentage rate determined by the rolling ten (10) year average in the CPI-U for the Boston-Cambridge-Newton all items index, but no less than two percent (2%) and no greater than five percent (5%).

Article 10
INSURANCE

10.1 Health Insurance:

The City will provide employees with coverage under the AB 20 10/20/45 plan with mail-in prescription coverage. Effective July 1, 2026, the employee's cost for AB 20 coverage will be sixteen percent (16%) of the premium and the City will pay eighty-four percent (84%) of the premium. Effective July 1, 2027, the employee's cost for AB 20 coverage will be seventeen percent (17%) of the premium and the City will pay eighty-three percent (83%) of the premium. Effective July 1, 2028, the employee's cost for AB 20 coverage will be eighteen percent (18%) of the premium and the City will pay eighty-two percent (82%) of the premium.

The City will provide employees with coverage under the AB 15 10/20/45 plan. Effective July 1, 2026, the employee's cost for AB 15 coverage will be eleven percent (11%) of the premium and the City will pay eighty-nine percent (89%) of the premium. Effective July 1, 2027, the employee's cost for AB 15 coverage will be twelve percent (12%) of the premium and the City will pay eighty-eight percent (88%) of the premium. Effective July 1, 2028, the employee's cost for the AB 15 coverage will be thirteen (13%) of the premium and the City will pay eighty-seven percent (87%) of the premium.

The City will also offer employees coverage under the Anthem Site of Service plan as an alternative health insurance coverage option. Effective July 1, 2026, the employee's cost for Site of Service plan coverage will be seven percent (7%) of the premium and the City will pay ninety-three percent (93%) of the premium. Effective July 1, 2027, the employee's cost for Site of Service plan coverage will be eight percent (8%) of the premium and the City will pay ninety-two percent (92%) of the premium.

Given current volatility in the health insurance industry, the parties recognize and agree that to continue to provide health insurance coverage, the City may need to change insurance plans and/or carriers during the term of this Agreement. If such change occurs, the City will bargain in good faith with the Union to provide comparable health insurance coverage. The parties further recognize and agree that the City provides health insurance coverage subject to all contractual limitations and exclusions imposed by the carrier, including any contractual

right of the carrier to modify coverage (such as prescription benefit coverage) during the term of this Agreement.

10.2 The parties agree that employees shall receive a waiver stipend in lieu of health insurance coverage in the amount equal to five hundred dollars (\$500.00) per quarter upon presentation by the employee of proof of alternative, employer sponsored health insurance coverage that does not subject the City to any fees/taxes/penalties/assessments under the provision of the ACA. The stipends shall be paid quarterly. No additional employees shall receive such stipends when both spouses work for the City. Further the City will not provide Health and/or Dental Coverage if an employee is already covered by the same or similar health and/or dental plan. If the employee is found to have dual coverage, the employee must pay back to the City an amount equal to the premiums paid by the City during the time of dual coverage.

10.3 Dental Insurance: The City agrees to pay for single, two-person or family membership in the Delta Dental Plan Option 3F or a comparable plan.

Given current volatility in the dental insurance industry, the parties recognize and agree that to continue to provide dental insurance coverage, the City may need to change dental insurance plans and/or carriers during the term of this Agreement. If such change occurs, the City will bargain in good faith with the Union to provide comparable dental insurance coverage. The parties further recognize and agree that the City provides dental insurance coverage subject to all contractual limitations and exclusions imposed by the carrier, including any contractual right of the carrier to modify coverage (such as prescription benefit coverage) during the term of this Agreement.

10.4 Short-term Disability: The City shall make available through payroll deduction Disability Income insurance for members of the bargaining unit.

10.5 Long Term Disability: The City will provide Disability Income Insurance for members of the Association equal to two-thirds (2/3) of the monthly base salary not to exceed five thousand (\$5,000) dollars per month. Said insurance shall be effective after the 91st day of disability with benefits payable to age 65 if the employee qualifies and shall be coordinated with Social Security benefits. Only regular full-time employees working 25 hours or more a week shall be eligible for Disability Income Insurance.

10.6 Worker's Compensation Insurance: In case of accidental personal injury to any employee arising out of any accident during their

employment, the City shall pay to the employee the difference between the amount received from the insurance company and the employee's regular pay. Employees will see the deduction of payment on their paystub as "Worker's Compensation." In no event shall such payments by the City exceed twenty-six (26) weeks.

- 10.7 Life Insurance: The City shall provide a group life insurance policy for eligible members of the Association in the amount of the current annual salary of the individual employee (rounded up to the nearest one thousand dollar), in accordance with the conditions set forth in the insurance policy. Only regular full-time employees working twenty-five (25) hours or more a week shall be eligible for Life Insurance.

Article 11

SICK LEAVE

- 11.1 All Bargaining Unit Members will be entitled to accrue fifteen (15) days of sick leave per year.
- 11.2 Bargaining Unit Members hired by the City prior to January 1, 1990, will be entitled to the unlimited accrual of sick leave.
- 11.3 Bargaining Unit Members hired by the City on or after January 1, 1990, will have a maximum accrual of one hundred fifty (150) days of sick leave.
- 11.4 Bargaining Unit Members hired by the City prior to January 1, 1990, will, upon their separation from employment from the City (whether by retirement, resignation, or termination) be entitled to payment of an amount equal to seventy-five percent (75%) of their accumulated sick leave as of the date of their separation from employment from the City.
- 11.5 To be entitled to payment as set forth in section 11.4 above, the Bargaining Unit Member must give the City notice by February prior to the fiscal year in which payment is to be made. If such notice is not given and the Bargaining Unit Member retires or voluntarily terminates employment, the Bargaining Unit Member will not be entitled to be paid for their accumulated sick leave until the first pay period of July following their retirement or termination or 120 days after their retirement or termination, whichever is later. If the Bargaining Unit Member is involuntarily terminated by the City or leaves under one of the following exceptions, notice will be waived and the Bargaining Unit Member will be paid for their accumulated sick leave within seventy-five (75) days of termination:

A. Resignation at the request of the City Manager;

B. Disability retirement;

C. Retirement caused by serious illness or injury which otherwise does not qualify for disability retirement;

D. Retirement caused by a family member's serious illness where the Bargaining Unit Member is needed to attend to the family member; or

E. Other circumstances which arise precipitously which make it impossible for the Bargaining Unit Member to meet the notice requirements of this section, only if the City Manager approves in advance of the payment without the required notice.

11.6 Bargaining Unit Members hired by the City on or after January 1, 1990, will not be entitled to any payment for their accumulated sick leave at the end of their employment with the City.

11.7 Regardless of the date that the Bargaining Unit Member was hired by the City, upon the death of any Bargaining Unit Member while in the employ of the City, the City will pay the Bargaining Unit Member's estate an amount equal to one hundred percent (100%) of the Bargaining Unit Member's accumulated sick leave as of the date of their death.

Article 12

PARENTAL/ADOPTION LEAVE

12.1 Upon application of the employee and approval by the City Manager, a parental leave of absence shall be granted to permanent full-time employees who have been employed at least one (1) year before said application.

12.2 It will be the responsibility of the employee to notify the City Manager one (1) month prior to returning to work.

12.3 An employee shall use accumulated sick leave benefits during the disability period as determined by the employee's physician before being eligible for parental leave benefits, except leave without pay may be granted before all such leave is expended based on approval by the City Manager. It is understood that employees on approved unpaid leave must pay their own health and dental premiums, once FMLA is exhausted (if applicable).

12.4 An employee shall not forfeit seniority during this leave of absence.

12.5 Adoption: Any bargaining unit employee adopting an infant shall be granted a leave of absence not to exceed three (3) months without pay.

12.6 Such leave shall commence upon receiving de-facto custody of said infant, or up to two (2) months earlier if necessary to fulfill the requirements of adoption.

12.7 Employee may keep benefits in force while on leave by paying group rate premiums to the City.

12.8 Family Medical Leave Act Policy: The Union and the City agree that the City's Family Medical Leave Act policy shall be applicable to the employees covered by this agreement. It is further agreed that should management initiate a change to said policy that it will be negotiated with the union and subject to all appropriate approvals.

Article 13
VACATION/PERSONAL DAYS

13.1 All permanent full-time employees will be paid for actual time worked, all approved leaves, and all approved holidays.

13.2 The City shall endeavor to keep the permanent full-time employees continuously at work insofar as practicable during the calendar year.

13.3 All full-time Bargaining Unit Members will accrue vacation time at the following rate:

<u>Years Of Service</u>	<u>Days</u>	<u>Hours</u>
One to five	10	80
six	12	96
seven	14	112
eight	16	128
nine	18	144
ten	20	160
eleven	21	168
twelve	22	176

13.4 Bargaining Unit members will not accumulate more than fifty (50) days of vacation as of December 31 of each calendar year. In the event an employee has accumulated more than fifty (50) days of

unused vacation at the end of each year, said employee shall be paid no more than ten (10) days accumulated in excess of fifty (50). Payment will be made in the first payroll in February following the calendar year.

- 13.5 All leave time must be applied for in advance, if possible, in accordance with City Policies, to the immediate Supervisor or Department Head.
- 13.6 All permanent employees, upon termination, retirement, or death, shall be paid for no more than seventy (70) earned, unused vacation days at their present rate of pay.
- 13.7 A. Personal Days: Each full-time permanent employee shall be allotted two (2) personal days each year to tend to matters which cannot be taken care of during the employee's regular time off. Upon death of an employee while in the employment of the City, the City shall pay to their estate an amount equal to one hundred percent (100%) of any unused personal days
- B. The employee can take such personal day as a whole day or one-half day at a time.
- C. **The employee shall be required to give a twenty-four (24) hour verbal notice to their Supervisor prior to the requested leave.** In the event of an emergency, making such notice impractical, such notice shall be waived. In such cases, the Department Head may require the employee to submit a written explanation of the circumstances for not providing the twenty-four (24) notice.

Article 14 LEAVE OF ABSENCE WITHOUT PAY

- 14.1 Leaves of absence without pay may be granted by the City Manager in writing specifying the commencement and expiration date for the leave. Such leave may be for a period not to exceed twelve (12) months when medically necessary. Non-medical leaves may be for a period not to exceed six (6) months.
- 14.2 Upon expiration of the leave, the employee shall be reinstated to the position held before the leave was granted.
- 14.3 Failure of the employee to report promptly at the expiration of the leave shall be cause for disciplinary action up to and including discharge.

Article 15

BEREAVEMENT LEAVE

- 15.1 All employees shall be entitled to bereavement leave up to three (3) days with pay for a death in the family.
- 15.2 An additional two (2) days may be granted by the Department Head, at his discretion, for a death in the immediate family.
- 15.3 Immediate family shall be defined as follows: Spouse, Child, Adopted Child, Parent, Parent by adoption, Brother, Sister.
- 15.4 Family shall be defined as Aunt, Uncle, Grandparent, Grandchild, Mother-in-law, Father-in-law, Brother-in-law, Sister-in-law, Grandparent-in-law, Niece, and Nephew.
- 15.5 Additionally, with department head approval, three (3) days of bereavement leave may be granted for the death of a member of the Employee's household.
- 15.6 In the event an employee entitled to bereavement leave experiences a significant delay between the date of the death and the date of the funeral, the employee may hold one of their bereavement days for use later for the purpose of attending the funeral.

Article 16 HOLIDAYS

- 16.1 All permanent full-time employees shall be paid at their regular rate for the following named legal holidays:

New Year's Day
Dr. Martin Luther King, Jr. Day
Presidents Day
Memorial Day
Juneteenth
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Friday after Thanksgiving
1/2 Day Christmas Eve
Christmas Day
The preceding Monday if Christmas is on a Tuesday
The following Friday if Christmas is on a Thursday

- 16.2 In addition to above paid holidays, all permanent full-time employees shall be paid at their regular rate for any holiday designated as such by the laws of the State of New Hampshire.

- 16.3 Holiday pay shall be granted if an employee reports for work on the last regularly scheduled work-day prior to the holiday and the first regularly scheduled work-day after the holiday, except in the case of an approved annual day, personal day, compensatory day or a sick day supported by a doctor's note.
- 16.4 When a holiday falls on a Saturday, the preceding day shall be considered a holiday for City employees. If a holiday falls on a Sunday, the following Monday shall be considered a holiday.
- 16.5 Any holiday shall be considered part of the regular work week.

Article 17
UNION CONVENTION LEAVE

- 17.1 The City shall allow one (1) Bargaining Unit Member currently serving on the 1386A Board five (5) days leave of absence with pay, to attend the A.F.S.C.M.E. International Convention once every two years.
- 17.2 The City shall allow two (2) Bargaining Unit Members currently serving on the 1386A Board one and one-half (1½) days leave of absence with pay, to attend either the New Hampshire State Labor Council Convention or the A.F.S.C.M.E. Council #93 Convention each year.
- 17.3 Such leave must be requested at least one (1) week in advance.

Article 18
MILITARY LEAVE OF ABSENCE

Any member who is ordered for active military service as a member of the Armed Forces of the United States of America, or who is engaged in activities in the Reserve Forces of the United States of America, or State National Guard, shall be granted a leave of absence to perform such military duties with the City paying the difference in salary between the employee's base pay and military base pay for said duty and without loss of leave time. Such leave shall be considered Military Leave and shall not exceed twenty (20) working days in a calendar year.

Article 19
SAFETY

- 19.1 The City and the Union shall cooperate fully in matters of safety, health and sanitation affecting the employees.
- 19.2 The City shall have the right to make regulations for the safety and health of its employees during their hours of employment. Representatives of the City and the Unions shall meet once every quarter at the request of either party to discuss safety or such

relations. The Union will appoint their representatives to the Joint Loss Committee.

- 19.3 Employees' cooperation in detecting hazards and eliminating or controlling them is a condition of their employment. Employees shall inform their supervisors immediately of a situation beyond their authority to correct on an appropriate form to be supplied by the City.
- 19.4 Protective equipment shall be furnished to all employees performing work which requires the use of such protective equipment.
- 19.5 The employees agree to exercise due care in the use and storage of such items.
- 19.6 All replacements of previous issue shall be made only when an article is turned in or exchanged for one issued.
- 19.7 The Union agrees that its members who are employees of the City shall comply with the City's rules and regulations relating to safety, economy, continuity, and efficiency of the service to the City and the Public.
- 19.8 Any time a mechanic, working on a state road, feels unsafe and deems that the vehicle should be towed to the shop in lieu of repairing the vehicle on the state road, the vehicle will be towed.

Article 20 GRIEVANCES

- 20.1 In recognition of the fact that the City and its employees, represented by the Union, have a mutual responsibility to the Public which requires that substantial disagreements arising between the employees and the management be settled in an orderly way without undue delay, it is agreed that fundamental differences which may arise between the employee and the management of the nature mentioned in the following paragraphs shall be adjusted in accordance with the provisions herein set out.
- 20.2 Should any substantial difference arise between the City and the Union, or its members, as to the meaning and interpretation of this Agreement, including wages or changes in wage rates, procedure of a settlement shall be by private conference in the following manner and order:
 - A. An employee who has a grievance shall discuss the grievance with their Union Steward or an officer of the Union.

- B. An employee who has a grievance shall discuss the grievance with their Supervisor.
- C. If the employee is dissatisfied then the grievance shall be submitted to the Department Head within seven (7) working days of the meeting in (A) for further review and possible solution. This shall be known as Step 1.
- D. The Department Head shall submit their written decision to the Union within seven (7) working days after receipt of the notice of grievance or of the hearing to discuss said grievance whichever is later.
- E. If no agreement has been reached, then the Union may submit the grievance to the City Manager within ten (10) working days after the decision from the Department Head. The City Manager shall render their written decision within ten (10) working days after receipt of the grievance. This shall be known as Step 2.
- F. Should the City Manager's decision be unsatisfactory, any dispute, claim or grievance arising out of or relating to the interpretation or the application of this Agreement may be submitted to arbitration under the voluntary labor arbitration rules of the American Arbitration Association. The parties further agree to accept the arbitrator's award as final and binding upon them. This shall be known as Step 3.
- G. All demands for arbitration shall be submitted to the PELRB within thirty (30) workdays of the Union's receipt of the City's Step 2 answer. Any grievance for which a demand for arbitration is not submitted to the PELRB within thirty (30) workdays shall be deemed dropped. This section shall be effective on or after the date of signing.
- H. Notwithstanding the foregoing or any other section of this contract, a grievance must be filed in writing with management within ten (10) working days of the event giving rise to the grievance or within ten (10) working days of when the employee knew or should have known of the occurrence of said event. If the grievance is not filed in writing within the time limit, it shall be untimely and therefore shall be denied.
- I. The time limits set forth in Items B, C, D, and F may be extended by mutual agreement of the parties. It is understood that if the union wishes expedited treatment of a grievance, it should notify management so that hearings and decisions will be handled quickly.

20.3 Cost of said arbitrator shall be shared equally by the City and the Union. Any arbitrator's ruling on a cause pursuant to this article shall have no authority to change, alter, or amend in any way the provisions of this contract. RSA 542 shall be applicable to appeals of arbitrator's decisions.

20.4 Working Days: For the purposes of this article, working days shall be defined as Monday through Friday, not including holidays.

Article 21 DISCIPLINARY PROCEDURES

21.1 All disciplinary action shall be in a fair manner and shall be consistent with the infraction for which disciplinary action is being taken.

21.2 All suspensions and discharges must be stated in writing and the reasons stated and a copy given to the employee (s) and the Union at the time of suspension or discharge

21.3 Disciplinary action will normally be taken in the following order:

- (1) Written warning;
- (2) Suspension without pay;
- (3) Discharge.

21.4 An employee may be suspended or discharged for the following reasons:

- (1) Misconduct during employment;
- (2) Incompetency or inefficiency;
- (3) Failure to perform assigned duties;
- (4) Disobedience of his superior;
- (5) Intoxication while on duty;
- (6) Conviction of a felony;
- (7) Failure to observe rules and regulations;
- (8) Unauthorized absence from duty;
- (9) Incompatibility with other employees.

21.5 No employee shall be penalized, disciplined, suspended, or discharged without just cause.

21.6 The length of time between disciplinary actions shall be considered in determining the appropriate level of discipline or in considering an employee for a promotion.

21.7 A. In the event an employee receives a written discipline, the warning shall remain in the employee's personnel file. However, said discipline will not be

considered after one (1) year provided no subsequent infraction of the same type occurs.

B. In the event an employee is suspended, the suspension shall remain in the employee's personnel file. However, said discipline will not be considered after three (3) years provided no subsequent infraction of the same type occurs.

C. Disciplinary action, taken by the City, against an employee due to illegal or criminal offenses, shall be exempt from the provision of A. and B. of this Section.

21.7 The City shall not engage in random drug testing unless required to do so under Federal or State Law or Regulation.

Article 22

JURY/WITNESS DUTY PAY

An employee called as a juror or witness for the City shall be paid the difference between the fee received for such service and the amount of straight time earnings lost by the employee by reason of such service. Satisfactory evidence must be submitted to the employee's immediate supervisor. Payment of meals and/or mileage shall not be considered as part of the fee for the purpose of this Agreement.

Article 23

EMPLOYEE INDEMNIFICATION

The City shall defend all employees against any claims made against them arising out of an act or omission by the employee while acting in good faith within the scope of their employment. The City shall indemnify all employees for any judgments entered against them arising out of an act or omission by the employee acting in good faith within the scope of their employment, to the extent that the claim is within the scope of coverage of any insurance policy maintained by the City.

Article 24

EDUCATIONAL EXPENSES

24.1 The following educational reimbursement policy will apply to members of the bargaining unit covered by this policy.

24.2 The City agrees to provide tuition reimbursement to members of the bargaining unit who complete courses relating to their current job responsibilities or as part of an approved career development program. Courses must be approved in advance by the

Department Head and the Human Resources Department. Approval of courses will be dependent on consideration of the relevancy of the course to the employee's current job responsibilities, the number of employees applying for the benefit, and the funds available. Reimbursement for such courses will not exceed fifteen hundred dollars (\$1,500) per employee, per fiscal year, with the total amount paid under this provision for the entire bargaining unit not to exceed the amount budgeted by the City. Once a course has been approved, the employee will be reimbursed upon presentation of written proof of satisfactory completion of the course to the Human Resources Department. Any bargaining unit member who receives this benefit must continue satisfactory employment with the City for at least one (1) year after receiving reimbursement. If a bargaining unit member leaves employment with the City prior to expiration of this one (1) year period, the employee agrees to repay a pro-rated portion of this tuition reimbursement to the City.

24.3 If a course is paid for in whole or in part through Federal or State Program (s), then the City will not reimburse for such course, it being the intent of this Section to eliminate double payment for any course.

- A. The City shall pay for required certification of minimum education required by the Federal, State, Local or City governments.
- B. Education expenses shall include, but not be limited to the following: tuition, registration, books, supplies, course material, travel, and meals.
- C. If the employee must attend any school or course during the regular work-day, the employee shall be compensated at his regular rate of pay for all time related to the education including but not limited to: travel and actual classroom time, up to eight (8) hours in any one day.

Article 25 BULLETIN BOARDS

The City shall provide a space for a Union bulletin board in each building where space is available that a Union member is employed. Only notices that are approved by the Union Executive Board or President shall be posted on said bulletin board.

Article 26 EQUIPMENT

- 26.1 The City agrees to furnish raincoats and boots for all employees for whom such issue is necessary.
- 26.2 The City shall furnish rubber and/or leather gloves for all work on existing sewer lines.
- 26.3 The City shall furnish all necessary tools and equipment for the employees to carry out their jobs or assignments including, but not limited to, leather gloves.
- 26.4 The employees shall exercise due care in the use and storage of all tools and equipment assigned to them.
- 26.5 All replacement of previous issue shall be made only when an article is turned in and exchanged for one issued.
- 26.6 The City shall continue to provide uniforms for those employees currently receiving them, as well as to the laborers and truck drivers on the refuse crew.
- 26.7 The Union and its members agree to exercise proper care and to be responsible for all City property issued or entrusted to them.
- 26.8 All Public Works non-office employees will be required to wear steel-enforced leather work boots, or equivalent, while working. Protective footwear must comply with ASTM International Standards or equivalent standards. The City agrees to pay said employee up to three hundred dollars (\$300.00) per year for work boots. Receipts will be required. The City reserves the right to establish the specification for boots for jobs to ensure safety.

The City shall provide the boot allowance under this provision to probationary employees after completion of six (6) months of employment.
- 26.9 The City agrees to reimburse mechanics up to six hundred dollars (\$600.00) per year for the purchase of tools. Receipts will be required.

Article 27
CALL-OUTS/ON-CALL

- 27.1 Employees within the bargaining unit called in for emergency work shall be paid a minimum of four (4) hours at their overtime rate.
- 27.2 Any employee recalled during his original call-out minimum shall not be entitled to additional compensation.
- 27.3 Any member of the bargaining unit who is required to be on-call

for a week at a time, will receive a flat rate of \$225.00 per week. If the member is called in but is unable to be reached, they will forfeit the payment. This call-out time will not apply to Lift Station, Madbury, Pierce Island or Pease employees.

- 27.4 A bargaining unit member will forfeit the on-call stipend if replacement coverage is required for more than one (1) day. For example, one (1) sick day is allowed, but an employee who gets the flu and is out for several days will lose the on-call stipend and the person who provided replacement coverage will be apaid the on-call stipend instead.

Article 28 MILEAGE

Employees required or requested to use their personal vehicles in the course of their duty for City business shall be reimbursed at the current applicable IRS allowable rate.

Article 29 COMPENSATORY TIME IN LIEU OF OVERTIME

The parties agree that in lieu of overtime, a department head (within their discretion) may grant compensatory time if the employee agrees to accept it, subject to City Manager approval. Compensatory time, if granted, must be granted in accordance with FLSÄ requirements.

Article 30 HOURS OF WORK AND OVERTIME

- 30.1 Current work schedules shall remain unchanged until Management provides any affected employee/positions and the union with a minimum of thirty (30) calendar day notice of the intent to change including the rationale for the change and afford the Union the opportunity to impact bargain and present alternatives.
- 30.2 Schedule changes: Daily and weekly scheduled work hours may be changed by mutual consent between the employees and the department head. The parties understand employees are needed to work the hours when services to the citizens and community can most efficiently be performed.

New positions or vacancies in the Recycling Area only may have hours and/or days of work that vary from the provisions below. Hours of work shall be forty (40) hours a week. The daily and weekly schedule shall be established by management. This

provision will remain in place until a successor agreement is effective.

30.3 Lunch: Lunch time will be considered non-work time except where specifically stated otherwise.

30.4 Pay Period: The normal pay period shall begin Sunday at 12:01 a.m. and end Saturday at midnight.

30.5 Overtime: Overtime assignments shall be made on a rotating basis by classification seniority within the division in which the overtime occurs. Overtime shall be offered to employees within a division prior to out of division employees within the same classification. If there are not enough employees available for overtime work, the supervisor needing to fill such assignment shall, at his/her discretion, determine to go outside the division within the same classification to seek employees within the same division but of another classification to fill such overtime work requirements. Any employee performing such overtime assignments shall be placed at the bottom of the rotation list and not called again until proper rotation has been followed. Any employee refusing overtime shall be placed at the bottom of the rotation list. The purpose of this section is to divide overtime as equitably as possible. Overtime work required to complete a job in progress shall be handled as per current practice. If in the judgment of the foreman a true emergency exists, the above procedure may be waived.

30.6 Daily Overtime Waivers: It is understood where mutually agreed between the employee and the department head, daily overtime requirements may be waived, however the time off must be given off within the same week.

30.7 Holidays: All holidays for which an employee receives pay shall be considered part of his/her basic work week, as specified in the sections on hours of work, for overtime purposes and employees shall be paid for all time worked over this basic work week as specified in the sections on hours of work. [Settlement Agreement dated September 24, 1994 continues in effect].

30.8 Employees will be eligible for overtime after they have worked 40 hours in any given week. Military Leave, Bereavement Leave, and Holidays will be considered hours worked for the purpose of calculating overtime. Vacation, sick leave, and personal leave will not count as hours worked for overtime calculation purposes. However, during weeks where there is overtime created due to work emergencies (such as snow fighting activities, water main breaks, significant weather events, and required overtime approved in advance by the Director of Public Works), vacation, personal, and sick leave will count as hours worked for overtime

calculation purposes. The only exceptions to the above are as follows:

- o Employees who use comp time or annual time during the next scheduled day of work following a night event (working beyond midnight) will be used in the overtime calculation. Any available comp time must be used prior to the use of annual time.
- o Hours paid/ worked for being on call (required to carry the city's electronic notification device) will be counted as hours worked for overtime purposes.

PUBLIC WORKS

30.9 Public Works: The following provisions apply to employees of the Public Works Departments. However, if a new subdivision is formed, then the hours of work and overtime shall be an item subject to negotiations.

30.10 City Yard, and Other Non-Specified Public Works Employees:

- A. Employees will receive two (2) fifteen (15) minute breaks - one in the morning and one in the afternoon in accordance with Public Works Policy #6. There will be no break from work for lunch. Lunch may be eaten "on the fly;" work in progress will not stop while lunch is eaten.
- B. The work week shall consist of forty (40) hours per week.

30.11 Custodial Personnel: Hours of work shall be forty (40) hours in a week. The daily and weekly schedules shall be established by management. Employees will receive two (2) fifteen (15) minute breaks - one (1) in the first half of the shift and one in the second half of the shift in accordance with Public Works Policy #6. There will be no break from work for lunch. Lunch may be eaten "on the fly;" work in progress will not stop while lunch is eaten.

30.12 Madbury Water Treatment Plant:

- A. The Madbury Plant Operations shall be seven days a week rotating schedule. Plant operating employees shall work forty hours a week.
- B. Employees will receive two (2) fifteen (15) minute breaks - one (1) in the morning and one (1) in the

afternoon in accordance with Public Works Policy #6. There will be no break from work for lunch. Lunch may be eaten "on the fly;" work in progress will not stop while lunch is eaten.

- C. Employees who are scheduled off on a holiday as observed by other Public Works employees will receive the next scheduled workday as the holiday or the day prior to their regular days off as the holiday as appropriate. Management shall have the discretion in determining the number of employees it requires to work on a holiday.

30.13 Waste-Water Treatment Plant:

- A. The work week shall consist of forty (40) hours per week. Employees will receive two (2) fifteen (15) minute breaks, one in the morning and one (1) in the afternoon in accordance with Public Works Policy #6. There will be no break from work for lunch. Lunch may be eaten "on the fly" work in progress will not stop while lunch is eaten.

30.14 Municipal Parking Garage Employees:

- A. Employees are required to work an average of not more than forty (40) hours in any week over a month's period.
- B. Management specifically can utilize a 4-on/4-off schedule of ten (10) hour days, in which case lunch will be eaten on the job during paid time. Said employees shall be paid overtime at time and one-half (1-1/2) for hours worked over forty (40) hours in a week.
- C. The Parking Garage Utility Mechanic shall work forty hours in a week.

30.15 Sanitation Laborers and Sanitation Truck Drivers (Truck Driver II):

It is understood that daily solid waste and recycling collection is based on "routes" and for the purpose of hours worked, a "route" is defined as equivalent to eight (8) hours. Management shall define a "route" and shall, in good faith, strive to ensure that all "routes" can be completed in an eight (8) hour day. Documented hours worked beyond normal daily "routes" will be compensated as normal calculation for overtime.

Article 31
UNIFORMS

31.1 Uniforms will continue to be provided to Mechanics, Sanitation Laborers, Truck Driver II, Wastewater Plant Personnel and Sewer Division Personnel in accordance with policies set by the Public Works Department.

- A. Highway Department employees will be provided uniforms in accordance with the policies set by the Public Works Department effective July 1, 1990.
- B. Water Distribution employees will be provided uniforms in accordance with the policies set by the Public Works Department effective July 1, 1991.
- C. Employees who are provided uniforms shall wear the uniforms during all working hours. Uniforms shall not be worn during non-working hours, except when an employee is engaged in reasonable travel to and from work and shall not be worn in bars, restaurants, saloons, or other drinking establishments.
- D. The City will provide female specific uniforms for those who request them.
- E. The City will provide a total of three (3) jackets to each mechanic.

Article 32 SUBCONTRACTING

- 32.1 The City and the Union agree that in any subcontracting proposal where the City anticipates eliminating the jobs for any members of the Union, the City shall give notice to the Union in anticipation of such action.
- 32.2 Any bargaining unit employee, whose job is eliminated because of subcontracting, shall be given due consideration for transfer to any vacancies which exist.

Article 33 AMENDMENT

- 33.1 The signing of this Agreement by the authorized representatives of the Union and the City shall constitute the effective date of this Agreement. No cost item will be retroactive unless specifically described as such and approved as a retroactive cost by the City Council.
- 33.2 This Agreement will remain in effect until June 30, 2029.

- 33.3 Should either party to this Agreement initiate negotiations as required by State Law, this Agreement shall be considered to have been automatically renewed for another year.
- 33.4 In no case shall a termination notice be sent less than thirty (30) days prior to the notice day for intent to bargain as set forth by State Law. Such notice shall be in writing.
- 33.5 To promote peace and harmony, meetings between the Union and the City shall be conducted in accordance with New Hampshire RSA 273-A.

Article 34 LIMITATIONS

Nothing in this Agreement, either by inclusion or exclusion, shall be so interpreted as to limit any benefit now enjoyed by City employees.

Article 35 CONFLICT

In the event of a conflict between the provisions of this Agreement and existing policies and procedures of the City of Portsmouth regarding wages, hours of work, and working conditions, it is agreed that this Agreement shall govern the relationship between the parties.

Article 36 COPIES

All employees, including new employees upon successful completion of their probation, shall be provided with a copy of this Agreement and all appendices at the expense of the City of Portsmouth. The Union Steward shall comply with the provision not later than thirty (30) calendar days after the signing of this Agreement for the contract year.

Article 37 BARGAINING AGREEMENT

The Union and the City agree that the issue of the effective date of the contract including the issue of retroactivity is a negotiable subject of bargaining. The City and the Union recognize that the timely negotiation of future collective bargaining agreements is an important matter of great concern to the City for it to complete its budgeting process within the legal time limits.

Toward this end, the City and the Union agree that every effort will be made to negotiate all future agreements prior to the expiration date of such agreements including this Agreement. The retroactivity of future agreements shall be specifically bargaining and shall not be automatic.

Article 38
JOB DESCRIPTIONS

The City will provide #1386A with copies of the job descriptions for their members, as well as job descriptions as they are revised.

Article 39
STAND BY PAY FOR OFF-SITE MONITORING OF PORTSMOUTH WATER & WASTE
WATER TREATMENT SYSTEM DURING NON-WORKING HOURS

1. These provisions are applicable only to Lift Station Operators, Water Treatment Plant (Madbury), and Wastewater Treatment Plants (Pease and Pierce Island).
2. All Operator Is and Operator IIS shall be trained on the use of the stand-by monitoring equipment.
3. Operator Is and Operator IIS desiring to work on the standby monitoring rotation shall sign up with the Chief Plant Operator or Lift Station Foreman (or current Supervisor). Management shall use the sign-up list for standby monitoring except in cases of emergency. If the number of people on the list falls below 4, the union and management will meet to work out details for providing appropriate coverage for stand-by monitoring. It is understood that the Chief Plant Operator may be included in the stand-by monitoring rotation.
4. The sign-up list set forth in item #3 above shall be effective for six months at a time. The list will open each January 1, and each July 1. Employees choosing to come off the list shall give management notice by December 1 or June 1 as appropriate. Swaps will be allowed, with notice to the Chief Plant Operator and subject to his/her approval. The employee who performs the monitoring will be the employee who gets paid.
5. An employee required to be on stand-by to monitor and control the water and waste water systems during non-working hours will be compensated as follows:
 - A. \$3.50 per hour while on stand-by to monitor and control including responses to beeper alarms, computer trouble shooting, etc. and payable whether or not any alarms go off.

- B. When an employee who is on stand-by to monitor the system must come in to correct the problem, the employee will receive a three-hour minimum at overtime rate. [As opposed to a 4-hour emergency call-in set forth in the AFSCME Local #1386 Contracts, Article 27.1. Employees who are called in due to a fire will receive a 4-hour minimum at overtime rate.
 - C. It is understood that an employee who is on standby to monitor the system will not be paid for mileage or travel time if he/she must return to the plant to correct a problem.
 - D. It is understood the City will pay for the long distance phone calls to Water or Wastewater Treatment Plant computer when an employee is on stand-by monitoring.
6. The compensation system set forth in Section 5, #B, #C and #D above shall be subject to revision if necessary to efficiently deal with operating conditions. Such revisions would have to be negotiated although interim adjustments could be put into effect pending negotiations.

SIGNATURES

Executed this _____ Day of _____, 2026.

City of Portsmouth
New Hampshire

American Federation of State,
County, and Municipal Employees,
Local # 1386

City Manager

President

Human Resources Director

Vice President

Public Works Director

AFSCME Staff Representative

City Negotiator

Approved by the City of Portsmouth City Council: _____

AFSCME LOCAL #1386A

COLA	3.03%	3.00%	3.00%
Social Security	6.20%	6.20%	6.20%
Medicare	1.45%	1.45%	1.45%
NH Retirement	12.75%	12.75%	12.75%

7/29/2026

GENERAL FUND only
CURRENT CONTRACT - (Steps only / No COLA)

Wages	FY27	FY28	FY29	Projected total for 3 years	
Salaries	2,372,554	2,385,784	2,397,841	7,156,179	
Longevity	14,735	16,086	19,970	50,791	
Retirement	304,379	306,238	308,271	918,889	
Social Security	148,012	148,916	149,904	446,832	
Medicare	34,616	34,827	35,058	104,501	
	2,874,296	2,891,851	2,911,044	8,677,192	
Year-to-Year Net Increases		17,556	19,193	36,748	Total Yr-to-Yr Increase
% Change		0.61%	0.66%		

PROPOSED TENTATIVE AGREEMENT - GROSS BUDGET

Wages	FY27	FY28	FY29	Projected total for 3 years	
Salaries	2,449,666	2,529,227	2,611,372	7,590,265	
Longevity	15,181	17,070	21,487	53,738	
Retirement	314,268	324,653	335,690	974,610	
Social Security	152,821	157,870	163,237	473,928	
Medicare	35,740	36,921	38,176	110,838	
	2,967,676	3,065,742	3,169,962	9,203,380	
Year-to-Year PROPOSED Gross Budget Change	93,380	98,066	104,221	295,666	Total Yr-to-Yr Increase
	3.25%	3.39%	3.58%		

FY26 Included in Budget in Collective Bargaining Contingency

BREAKDOWN OF TENTATIVE AGREEMENT COSTS OVER "CURRENT" CONTRACT LANGUAGE

Wages	FY27	FY28	FY29	Projected total for 3 years	
Salaries	77,112	66,331	70,088	213,531	
Longevity	446	538	533	1,517	
Retirement	9,889	8,526	9,004	27,419	
Social Security	4,809	4,146	4,379	13,333	
Medicare	1,125	970	1,024	3,118	
ANNUAL COST OF TENTATIVE AGREEMENT	93,380	80,510	85,028	258,918	Total Yr-to-Yr Increase

CUMULATIVE TENTATIVE AGREEMENT COST

Difference Between "CURRENT" Gross Budget and "PROPOSED" Gross Budget

Wages	FY27	FY28	FY29	Cumulative costs for 3 years	
Salaries	77,112	143,443	213,531	434,086	
Longevity	446	984	1,517	2,947	
Retirement	9,889	18,414	27,419	55,722	
Social Security	4,809	8,954	13,333	27,096	
Medicare	1,125	2,094	3,118	6,337	
CUMULATIVE COST OF TENTATIVE AGREEMENT	93,380	173,890	258,918	526,188	Cumulative Increase

AFSCME LOCAL #1386A

COLA	3.03%	3.00%	3.00%
Social Security	6.20%	6.20%	6.20%
Medicare	1.45%	1.45%	1.45%
NH Retirement	12.75%	12.75%	12.75%

7/29/2026

ALL FUNDS (GEN, WAT, SEW, PARK)
CURRENT CONTRACT - (Steps only / No COLA)

Wages	FY27	FY28	FY29	Projected total for 3 years	
Salaries	6,010,572	6,070,769	6,119,733	18,201,074	
Longevity	37,942	41,626	49,540	129,108	
Retirement	771,186	779,330	786,582	2,337,098	
Social Security	375,008	378,968	382,495	1,136,471	
Medicare	87,703	88,630	89,454	265,788	
	7,282,411	7,359,324	7,427,805	22,069,539	
Year-to-Year Net Increases		76,913	68,481	145,394	Total Yr-to-Yr Increase
% Change		1.06%	0.93%		

PROPOSED TENTATIVE AGREEMENT - GROSS BUDGET

Wages	FY27	FY28	FY29	Projected total for 3 years	
Salaries	6,204,201	6,424,776	6,639,856	19,268,833	
Longevity	39,092	44,174	53,542	136,808	
Retirement	796,020	824,791	853,408	2,474,219	
Social Security	387,084	401,075	414,991	1,203,150	
Medicare	90,528	93,800	97,054	281,382	
	7,516,925	7,788,616	8,058,851	23,364,392	
Year-to-Year PROPOSED Gross Budget Change	234,514	271,691	270,235	776,440	Total Yr-to-Yr Increase
	3.22%	3.69%	3.64%		

FY26 Included in Budget in Collective Bargaining Contingency

BREAKDOWN OF TENTATIVE AGREEMENT COSTS OVER "CURRENT" CONTRACT LANGUAGE

Wages	FY27	FY28	FY29	Projected total for 3 years	
Salaries	193,629	160,378	166,116	520,123	
Longevity	1,150	1,398	1,454	4,002	
Retirement	24,834	20,626	21,365	66,826	
Social Security	12,076	10,030	10,389	32,496	
Medicare	2,824	2,346	2,430	7,600	
ANNUAL COST OF TENTATIVE AGREEMENT	234,514	194,778	201,754	631,047	Total Yr-to-Yr Increase

CUMULATIVE TENTATIVE AGREEMENT COST

Difference Between "CURRENT" Gross Budget and "PROPOSED" Gross Budget

Wages	FY27	FY28	FY29	Cumulative costs for 3 years	
Salaries	193,629	354,007	520,123	1,067,759	
Longevity	1,150	2,548	4,002	7,700	
Retirement	24,834	45,461	66,826	137,121	
Social Security	12,076	22,106	32,496	66,678	
Medicare	2,824	5,170	7,600	15,594	
CUMULATIVE COST OF TENTATIVE AGREEMENT	234,514	429,292	631,047	1,294,853	Cumulative Increase

CITY OF PORTSMOUTH, NH
Public Art Review Committee

Memorandum

To: Honorable Mayor and City Council
From: Public Art Review Committee (PARC)
Subject: Recommendation re: Sculptural Bench for Bohenko Gateway Park
Date: November 11, 2025

PARC requests City Council approval for an additional installation of a functional sculpture in Bohenko Gateway Park in the form of a serpentine bench (*A Space for Memory*) that echoes the design of the *Endeavor* sculpture. The bench has been designed by Sijia Chen, the artist who created *Endeavor*.

- (1) authorize PARC to raise approximately \$10,000 in private funds to complement the funds committed to the project to date by a major donor;
- (2) expend resources from PARC funds to undertake any soils testing and costs associated with engineering for installation;
- (3) work with the Legal Department to contract with Chen, aligning payments to fundraising and development phases; and
- (4) work with the Department of Public Works to locate and install the sculptural bench.

PARC will work with the major donor to raise the additional funds needed through individual donations.

Background

Bob Thoresen approached PARC with the idea of including a sculptural bench in Bohenko Park in memory of his late wife Sue Thoresen. Sue was a well-known member of the Portsmouth community who contributed much to arts, culture and education. The Thoresens were instrumental in supporting *Endeavor*, providing funding and hospitality for the artist Sijia Chen. Sue participated in Chen's workshops to create paper cut motifs for the design of *Endeavor* and they became close friends. Sue was able to see the completion of *Endeavor* and noted the absence of comfortable benches with backs in the park—hence the idea for creating a complement to *Endeavor* that would honor Sue's memory.

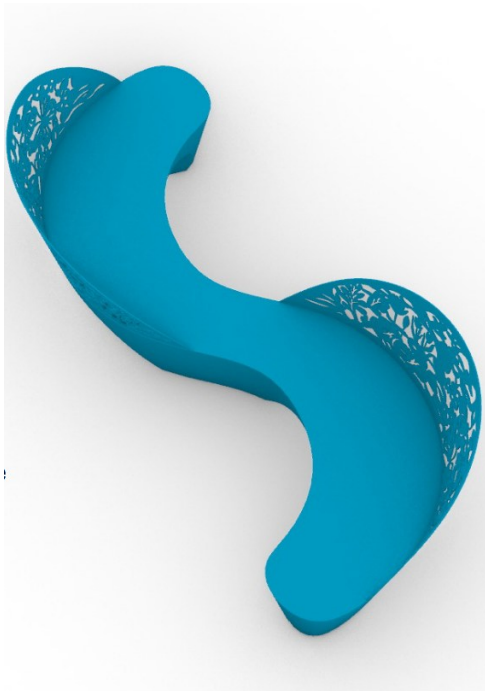
The Sculptural Bench

Sijia Chen has designed a serpentine bench (in the shape of an S for Sue) which will accommodate 4-6 people. The back of the bench will feature papercut-inspired patterns, developed in collaboration with Sue's family and informed by papercuts she created during the community engagement process for Endeavor.

The bench will be approximately 8 feet in length, 37 inches high and 40 inches wide, weighing approximately 480 pounds. The material is stainless steel with fluorocarbon paint in a teal blue color; fluorocarbon paint is highly weather resistant.

We recommend placing the bench on the grass in the eastern/further side of the sidewalk about halfway between *Endeavor* and the kiosk. One end of the bench will face *Endeavor*, the other the Piscataqua River. Placement to be finalized in conjunction with DPW.

Top view



Side view



Budget and Timeline

In honor of Sue, the artist is waiving any fees; the cost of fabrication and shipping is \$20,000 with approximately half to come from the Thoresen family. Production

and shipping takes approximately four months so the bench would be available for installation next Spring/Summer.

PARC's Considerations

- The bench is an example of a memorial that offers a broad opportunity for engagement. Adding a functional sculptural element adds to the diversity of artworks in Bohenko Gateway Park. As usage of the park increases, additional seating will be welcome.
- The design (papercuts with maritime themes) and color complement both *Endeavor* and *Codfish* and offer a cohesive experience.
- The artist is highly experienced with this type of outdoor installation and she is familiar with Portsmouth and the park.
- The materials are durable and easy to maintain.

Next Steps

With Council approval, PARC will work with the major donor to stage planning to coincide with fundraising.

Active Encumbrance Permits

Record #	Encumbrance Requested	Applicant Name	Address	Start Date	Completion Date	Work Detail
ENCM-26-39	30-Day	Northeast Tradesmen	67 State St	7/9/2026	8/7/2026	Repair gutters and copper dacade. Using lift on the sidewalk at the edge of the parking lot.
ENCM-26-41	30-Day	JG Painting LLC	69 Richards Ave	7/15/2026	8/15/2026	Scrape and paint house trim, using a lift.
ENCM-26-42	30-Day	J. Carnes & Son Roofing	383 Islington St	7/31/2026	7/31/2026	Remove and replace shingles.
ENCM-26-43	30-Day	KR Painting LLC	388 State St	7/16/2026	8/15/2026	Power washing and painting front façade using ladders.
ENCM-26-44	30-Day	Franks Dumpster	28 Chestnut St	7/27/2026	7/27/2026	Dumpster under marquee for cleanout of offices.
ENCM-26-45	30-Day	Martini Northern	96 State St	7/22/2026	7/24/2026	Trailer on sidewalk for roof work. <i>Permit after the fact.</i>
ENCM-26-46	30-Day	Robert Cline	395 Pleasant St	8/25/2026	8/25/2026	Moving truck on street for the day.
ENCM-26-47	30-Day	CT Tree Service	19 Harding Rd	8/3/2026	8/31/2026	Tree removal on residential property. Chipper in roadway, flaggers on site.
ENCM-26-48	30-Day	Site Structures Landscaping	137 State St	7/31/2026	8/31/2026	City Project: Renovation of Jay Smithe Garden.
ENCM-26-49	30-Day	East Coast Masonry	1 Harbour Place Unit 2-1	8/18/2026	9/18/2026	Repoint brick on Bow Street side, detouring pedestrians. Work will be done in phases.
ENCM-26-50	30-Day	CT Tree Service	102 Marne Ave	8/3/2026	9/3/2026	Tree removal on residential property. Log truck extending into road.



5 August 2026

Portsmouth NH City Council
c/o City Clerk's Office
1 Junkins Ave
Portsmouth NH 03801

Dear City Council,

My name is Patrick Miner and I'm working with Matt Junkin who was formerly the Operations Director of the Seacoast Rotary Turkey Trot 5k.

I am writing this letter to ask the City Council consider approval of our 18th Annual race which will take place on Thanksgiving November 26th, 2026. Registration for the race begins at 7am and the race will commence at 8:30 AM on Peirce Island, and Finish at Strawberry Banke.

Thank you for your consideration as well as the support you have provided for this event over the last 17 years.

Kind Regards,

Patrick Miner
patrickminer83@gmail.com
603-997-6083



August 10th, 2026

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

Dear Ms. Conard,

Veterans Count, an affiliate of Easterseals New Hampshire, respectfully requests the City of Portsmouth's approval and support for our upcoming "Lieutenant Dan Band" event this September. This special event is intended to celebrate America, honor the service and sacrifice of our nation's veterans, and raise critical funds to support Veterans Count's mission of providing financial assistance and resources to New Hampshire service members, veterans, and their families.

The Lieutenant Dan Band, founded by actor and humanitarian Gary Sinise, has entertained military communities and raised awareness for veterans' causes across the country for many years. We are honored to bring this patriotic event to Portsmouth and look forward to welcoming veterans, military families, community members, and supporters for an evening of music, celebration, and appreciation.

We offer the following information:

DATE/TIME: Thursday, September 24th, 2026, from 4:00 p.m. – 9:00 p.m. Clean-up will be completed before midnight.

SET-UP: Wednesday, September 23rd, 2026, from 7:00 a.m. – 7:00 p.m.

LOCATION: 50 International Dr at Portsmouth International Airport at Pease. In the event of inclement weather, activities will transfer to Great Bay College Campus.

ATTENDANCE: We anticipate more than 1000 guests, including veterans, military families, sponsors, community leaders, and supporters from throughout New Hampshire and the surrounding region.

FOOD: All food service will be provided by licensed vendors and food trucks who will obtain and comply with all required food service and health permits.

ALCOHOL: Alcoholic beverages will be available nearby at a beer garden hosted by Paddy's Grille. No Alcoholic beverages to be served at the event location.

POLICE: We will coordinate with the Portsmouth Police Department regarding any required police details for traffic control and public safety. We will also continue to work closely with Portsmouth International Airport at Pease and all appropriate authorities to ensure compliance with airport security requirements.

FIRE: We will coordinate with the Portsmouth Fire Department to complete all required inspections and will fully comply with all fire and life safety requirements.

PARKING: Parking will be located at Paddys Grille 27 International Dr Portsmouth, NH

CERTIFICATES OF INSURANCE: Certificates of Insurance will be provided as required, including naming the City of Portsmouth and the Pease Development Authority as additional insureds where applicable.

PEASE DEVELOPMENT AUTHORITY: We are working closely with the Pease Development Authority and will submit any additional documentation required for their review and approval.

This event represents Veterans Count's continued commitment to honoring those who have served our country while raising critical funds to support New Hampshire veterans and their families when they need assistance most. We appreciate the City's continued partnership and support and look forward to working with City staff to make this event safe, successful, and beneficial to our entire community.

I am available at any time should you have questions or wish to schedule a meeting to discuss the event logistics in greater detail.

Thank you for your consideration.

Sincerely,

Bryan Curley
Logistics Chair – Lieutenant Dan Band Event
Veterans Count
29 Prescott Rd Brentwood, NH 03833
bryan@restoraclaim.com
Cell: 603-714-4485

cc: – Katherine Richard of Easter Seals
Jillian Bean – Veterans Count Chair



City Council Website Contact Form

From City of Portsmouth <webformsubmission@portsmouthnh.gov>

Date Tue 8/4/2026 11:05 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, 08/04/2026 - 11:05

Submitted by: Anonymous

Submitted values are:

First Name

David

Last Name

Hansen

Email

[REDACTED]

Subject

Workforce parking

Address

[REDACTED]

Portsmouth, New Hampshire. 03801

Message

Hi there,

I know there are a lot of feelings towards the parking in Portsmouth. With the hearing on August 17 I would like to propose that the 10 hour session at the Foundry Garage for \$3 be increased to 14 hours. There are multiple servers, cooks, service industry workers that work those 14 hour days- from 8am to 10pm. Having the extra 4 hours would help a lot of service industry people.

Thank you,

David

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting.

Yes

City Council Website Contact Form

From City of Portsmouth <webformsubmission@portsmouthnh.gov>

Date Tue 8/4/2026 10:29 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, 08/04/2026 - 22:29

Submitted by: Anonymous

Submitted values are:

First Name

Mark

Last Name

Alesse

Email

Subject

Parking

Address

Hampton Falls, New Hampshire. 03844

Message

My proposal advocates for an adjustment to the city's parking ordinance reducing the setback for parking at intersections from 20 feet to 10 feet. This change, well-suited to Portsmouth's low-speed, pedestrian-friendly streets, would recover approximately 210-220 on-street parking spaces—at no cost to taxpayers.

Key benefits include: Substantial cost avoidance, saving an estimated \$32 million in garage construction expenses (based on recent per-space costs of approximately \$67,000). It provides new recurring revenue of more than \$150,000 - \$170,000 annually in parking fees, based on conservative occupancy assumptions.

The strategic advantages include no new construction, no land acquisition, minimal disruption to neighborhoods or businesses, immediate implementability, preservation of Portsmouth's historic aesthetic, and enhanced accessibility for residents, workers, and visitors. It has built-in safeguards by preserving the City Engineer's authority to mandate greater setbacks where documented safety

concerns arise.

This initiative optimizes the public right-of-way the city already owns, providing parking capacity equivalent to a medium-sized garage while supporting local retail, restaurants, tourism, and the vitality of the downtown.

Enclosed find a complete Executive Summary detailing the methodology, key findings, fiscal impacts, benefits, and recommendations. I believe this proposal warrants editorial support and coverage in the Herald and Seacoastonline.com, particularly as discussions about parking solutions and garage funding continue.

I would be delighted to meet with you in person to discuss the proposal in greater detail. Given the potential for parking decisions to advance in the coming months, I request your assistance in helping to publicize this no-cost, revenue-generating alternative. Greater public awareness would ensure that decision-makers fully consider this historically sensitive and fiscally prudent option before moving to costly, irreversible measures.

Thank you for your time and for your commitment to covering issues vital to our Seacoast community. Sincerely,

Mark Alesse

Executive Summary

Increase Portsmouth Parking Capacity Without a new Garage A no-cost, (money-making) parking solution for Portsmouth

This proposal recommends reducing parking setbacks at intersections in Portsmouth from 20 feet to 10 feet in the historic downtown in order to restore as many as 220 new parking spaces.

Why It Matters

Current Parking Setbacks are the Problem: The existing 20-foot setback is suitable for high-speed suburban roads, but not in low-speed historic areas. Portsmouth forfeits as many as 220 parking spaces because it has an inappropriate 20-foot setback.

Ditch the Most Expensive Fix: The desire for parking has led to pressures for a new parking garage, despite currently available free curb space.

Key Findings

Intersections Affected: Three AI platforms identified approximately 118 public-street intersections within a ½-mile radius of North Church.

Parking Spaces Recovered:

0.5 spaces restored per curb

4 spaces restored per four-leg intersection

Approximately 220 parking spaces would be recovered

Fiscal Impact

Avoided Costs:

Estimated cost savings: \$32 million

Projected annual parking revenue of \$220,000 (based on conservative occupancy and rate assumptions).

Strategic Benefits

No Construction: Uses existing streets.

No Land Acquisition: Avoids costs and legal complexities.

No Neighborhood Disruption: Minimal impact on residents and businesses.

Immediate Implementation: Quick to execute without lengthy processes.
Preserves Historic Character: Protects the aesthetic character of the downtown.
Improves Access: Increased parking for residents, workers, and visitors.

Recommendations

Adopt a 10-foot intersection parking setback for public streets in the downtown and historic districts.
Discretionary Authority: Retain authority for the City Engineer to make exceptions based on documented safety concerns.

PROPOSED: Increased Parking without a new Garage

Background

Portsmouth's street network evolved four centuries ago, before traffic engineering standards. Its compact blocks, and pedestrian-scale inherently limits vehicle speeds and supports strong visibility for safety.

Applying a blanket 20-foot intersection parking setback—developed for wide, fast suburban roads—has produced an unnecessary loss of curbside parking in precisely the areas where parking is most needed. New Hampshire state law sets a default prohibition on parking within 20 feet of a crosswalk at an intersection (RSA 265:69, II(c)), but explicitly preserves local authority to adopt additional or differing regulations.

Before committing to a multi-million-dollar parking garage, the City should optimize the public right-of-way it already owns.

II. Methodology

The study area is a one-mile diameter ($\frac{1}{2}$ -mile radius) centered on the North Church, on Congress Street.

An "intersection" is defined as any junction where two or more maintained streets meet, including T-intersections and four-way intersections, and including state highways. Excluded are alleys, private drives, parking aisles, driveways, pedestrian-only paths, and wharf roads. Divided roadways are counted as a single intersection.

Using this definition, the study area contains approximately 118 public-street intersections.

III. Parking Geometry and Capacity Impact

Existing Conditions (20-Foot Setback)

- Four streets per intersection with two curbsides per street
- Eight curb segments affected means that each curb loses approximately one-half to one full space
- Approximately eight spaces are, therefore, lost per four-leg intersection

Proposed Conditions (adopt a 10-Foot Setback)

- Each curb would regain approximately .5% of a parking space
- Eight curbs multiplied by 0.5 of a parking space, yields potentially four spaces restored per intersection

Net Gain in Parking

- 118 intersections x 4 spaces equals approximately 220 new on-street parking spaces
- This is the equivalent of a medium-sized garage, entirely using existing curb space.

IV. Fiscal

A. Avoided Costs

The City has allocated \$3 million toward planning and early work for a proposed third municipal parking garage. The updated publicly reported estimate is \$32 million, up from the \$23 million that was approved in 2015 for a garage of roughly \$50,000–\$53,000 per parking space. All of that spending would be avoided.

B. New Recurring Revenue based on Conservative assumptions:

- Assume an average occupancy of 50 percent, with two paid hours per day
- Annual revenue from 472 spaces is \$344,000.
- This is recurring. New revenue generated from curb space the City already owns.

V. Planning and Policy Benefits

- Restores parking where demand exists
- Reduces cruising for parking
- Supports downtown small retail, restaurants, and tourism
- Preserves historic cityscapes
- Avoids irreversible loss of space and the creation of an unproductive structure

VI. Conclusion-A no-cost, money-making parking solution that's free!

This proposal recovers nearly 210-220 on-street parking spaces through a modest, appropriate code adjustment—while delivering the capacity of a parking garage and avoiding an estimated \$32 million in garage construction costs, and generating more than \$150,000-170,000 per year in new revenue. It is fiscally responsible, historically respectful, and immediately actionable.

APPENDIX A — DRAFT PARKING ORDINANCE AMENDMENT

City of Portsmouth, New Hampshire
Proposed Amendment to Parking Regulations

Section 1. Parking Near Intersections

No vehicle shall be parked within ten (10) feet of the nearest edge of the intersecting roadway at any public street intersection, measured from the extension of the curb line or edge of pavement.

Section 2. Applicability

This standard shall apply to all public streets within the Central Business District, Historic Districts, and other areas designated by the City Council.

Section 3. Safety Exception

The City Engineer may require a greater setback only upon written determination that specific, site-based safety conditions—such as documented crash history, unusual geometry, or constrained sight distance—necessitate additional clearance.

Section 4. Severability

If any portion of this ordinance is held invalid, the remainder shall remain in effect.

Section 5. Effective Date

This ordinance shall take effect upon adoption.

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting.

Yes

{Empty}

City Council Website Contact Form

From City of Portsmouth <webformsubmission@portsmouthnh.gov>

Date Thu 8/6/2026 11:15 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 Thu, 08/06/2026 - 11:15

Submitted by: Anonymous

Submitted values are:

First Name

Michael

Last Name

Casino

Email

Subject

Parking programs

Address

Portsmouth

Message

Members of the Council,

I'd like to offer a resident's opinion on the new parking program measures that you've initiated. They are fantastic! I can't tell you how good it feels to be able to easily secure an on street parking space when needed as opposed to an endless hunt for one prior to the beginning of the RAPP program.

I understand the concerns raised by local employees and businesses in these difficult economic times. However as a resident who pays very high taxes it seems reasonable that everyone should share in the financial burdens that are afforded through all the services provided by the city, including parking availability. I think the rates that you have set for employee parking are very fair and if they are considered too much of a burden for the individual then businesses should step up to provide additional support.

I understand how challenging it must be trying to balance all the competing demands around this issue. However I think you are on the right track and many residents of the city will feel the same even though you may not hear comments from them because the negative concerns always rise to the top. With all of the new residential units being built in the downtown, many of which will not have sufficient on-site parking, the programs you have initiated will only become more important going forward.

Thank you for your efforts and consideration on this matter.

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

City Council Website Contact Form

From City of Portsmouth <webformsubmission@portsmouthnh.gov>

Date Fri 8/7/2026 5:36 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 Fri, 08/07/2026 - 17:36

Submitted by: Anonymous

Submitted values are:

First Name

Matthew

Last Name

Glenn

Email

[REDACTED]

Subject

Fleet St design

Address

[REDACTED]

Portsmouth, New Hampshire. 03801

Message

Dear Mayor and Councilors,

On behalf of Seacoast Area Bicycle Riders and myself, I'd like to express support for the most recently proposed design of Fleet Street between Congress and Hanover to include a contra-flow bicycle lane. SABR first proposed the idea to PTSC some months ago.

Speaking now as vice-chair of the Bicycle and Pedestrian Blue Ribbon Committee, all members were supportive of the idea when first discussed at our July 2nd meeting, and again when discussed last night following the PTSC unanimous votes that same morning. We did not take a formal vote last night as we lacked a quorum.

Personally, I appreciate the recent modifications to put parking on the East side of the street and to

allow for a 2 foot striped buffer between the shared northbound travel lane and the contraflow bike lane. I also appreciate Director Rice's willingness to install flex posts in that buffer when first built, and potentially seasonally in the snow-free months thereafter. I think Erica Wygonik made an excellent point that if the road must be 18 feet between parking and curb to allow for fire truck use, it's far better to fill that extra space with a bike lane and flex posts to visually narrow it and reduce the likelihood of wrong-way drivers.

It goes without saying that the wider, ADA compliant sidewalks (that also allow for sidewalk plows) are a benefit to our downtown, and while this plan does remove a driving lane, it seems a reasonable compromise that was reached after extensive community and abutter input. It maintains curb parking, and the continued bike connectivity is a great bonus.

Best regards,

Matt Glenn
Seacoast Area Bicycle Riders President
Bike and Pedestrian Blue Ribbon Committee Vice-chair

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

City Council Website Contact Form

From City of Portsmouth <webformsubmission@portsmouthnh.gov>

Date Fri 8/7/2026 10:15 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 Fri, 08/07/2026 - 10:14

Submitted by: Anonymous

Submitted values are:

First Name

Amy-Mae

Last Name

Court

Email

[REDACTED]

Subject

RAPP

Address

[REDACTED]

Portsmouth, New Hampshire. 03801

Message

Dear City Councilors,

I am writing today because I will not be able to make the work session regarding RAPP. As a longtime resident, a former waitress downtown, and someone who always wants to make sure the city is doing what is right for everyone, I would like to share my opinion.

As a member of the Recreation Board, when I first heard of this plan, I didn't like it and made my opinion known. I was grateful that the skatepark was removed from the program, but I still believe that what is in place right now does not work. While I understand that there is no easy solution that will make everyone happy, there are tweaks that can be made to help our downtown workers:

1) Reduce the number of hours cars are allowed to stay in the Parrott Ave. lot, creating more turnover.

- 2) Expand the 30 cents-per-hour rate to more than just Parrott Ave.
- 3) Expand the workforce eligible to receive the special rate to the entire workforce. Many business owners and private contractors are just making ends meet, and excluding them from the special rate is unfair.
- 4) Make workforce parking in the Foundry Garage cheaper, creating more incentive for folks to park there rather than on the street.

In all honesty, the sentiment I shared at the Recreation Board meeting is that I would rather be advocating for this entire program not to be implemented at all. However, I do understand that you are trying to create solutions, and the suggestions above are some of what I believe can help appease the outcry.

As always, I so appreciate your time and effort in hearing what the people have to say and trying your best to balance what is needed, what is wanted, and what is right.

Thanks!
Amy-Mae Court

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



Receipt Date:

JUL 08 2023
By _____

City of Portsmouth, NH
Boards, Committees, and Commissions

INITIAL APPLICATION

The application may be printed and hand-delivered, or electronically submitted to the Office of the City Clerk.

Committee: **Zoning Board of Adjustment**

Initial Application

Name: **John (Jack) Holzman**

Telephone: [REDACTED]

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

Yes ☒ No ☐

Have you contacted the Chair of the Board, Commission, or Committee to determine the time commitment involved? YES/NO ☒ ☐

Can you be contacted at work? YES/NO ☐ ☐ If so, telephone number: **Retired**

Street address: [REDACTED]

Mailing address (if different): _____

Email address (for communication from the Office of the City Clerk, and distribution of training materials):

[REDACTED]

How long have you been a resident of Portsmouth? **38 years**

Occupational background:

33 years (1998-2021) at Portsmouth Naval Shipyard as a Nuclear Engineer and Manager

3 years (2023-2026) as a Project Manager at Orbis Sibro, Inc



City of Portsmouth, NH Boards, Committees, and Commissions

INITIAL APPLICATION

The application may be printed and hand-delivered, or electronically submitted to the Office of the City Clerk.

Please list experience you have in respect to this Board, Committee, or Commission:

Some general knowledge of zoning regulations through researching two family home in Dover NH. Also, my job at Orbis required me to become familiar with Pease Tradeport zoning regulations. I have always been interested and followed local issues.

Would you be able to commit to attending all meetings? YES/NO ☒ YES ☐ NO For the most part, other than vacations/unforeseen issues

Reasons for wishing to serve: Long standing desire to participate in local government. I also feel that I have the knowledge and skills to provide benefit and perspective to this board.

Please list any organizations, groups, or other committees you are involved in:
Volunteer for Ward 3 elections.

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

1. Dave Rheume [REDACTED]
Name, address, telephone number
2. Lee Gove 39 Morning St [REDACTED]
Name, address, telephone number

By submitting this application you understand that:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission/Committee; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Your application will be kept on file for one year from date of receipt.
6. IF APPOINTED, YOU WILL BE REQUIRED TO REVIEW AND ACKNOWLEDGE THE BOARD, COMMISSION AND COMMITTEE HANDBOOK FOR VOLUNTEERS AND TO PARTICIPATE IN ALL TRAININGS.
7. Sign the Oath of Office book preserved with the Office of the City Clerk

Signature:

Date: 7/8/2026

Date: September 13, 2026
To: MAYOR MCEACHERN AND THE CITY COUNCIL
From: COUNCILOR KATE COOK ON BEHALF OF THE LEGISLATIVE SUBCOMMITTEE
Re: LEGISLATIVE SUBCOMMITTEE'S RECOMMENDATION FOR APPROVAL OF
NHMA'S 2027-2028 PROPOSED LEGISLATIVE POLICIES AND PRINCIPLES

The Legislative Subcommittee met on Thursday, August 13, 2026 to review the New Hampshire Municipal Association's ("NHMA") 2027-2028 Proposed Legislative Policies and Principles ("Policies and Principles").

By way of background, before each legislative session begins, NHMA drafts broad legislative principles that guide the creation of legislative policies for its membership to review and approve. The governing body of each NHMA member must vote on whether to support or oppose these Policies and Principles. As the Mayor's designee, I will relay the Council's vote on these Policies and Principles at NHMA's Legislative Policy Conference on Friday, September 11, 2026. NHMA's final Policies and Principles for 2027-2028 will be determined by the vote of the majority of its members at the conference. Once adopted, these Policies and Principles will permit NHMA staff to lobby on bills that support the adopted Policies and Principles during the next legislative session.

At its Friday August 13, 2026 meeting, the Legislative Subcommittee voted to accept and approve the Policies and Principles subject to the following minor recommended changes:

1. **On page 5 of the Proposed Policies the City will register in opposition to the following Property Taxes and Related Revenues policies NHMA opposes:**

Legislation that directly or indirectly increases or redistributes property taxes, including but not limited to new or expanded mandatory exemptions or credits, or changes in the process for valuing, assessing, or taxing specific classes of properties.
2. **On page 10 of the Proposed Policies the City will register in opposition to the following Housing policy NHMA opposes:**

Legislation that erodes local control over land use decisions.
3. **On page 11 of the Proposed Policies the City will register in opposition to bullets 5 and 6 under Housing Policies NHMA will support and all the bullets under NHMA opposes. (Please see the Policies for full text)**
4. **On page 12 of the Proposes Policies under Information, Technology Communications and Cyber Security, the City will take no position on the following policy NHMA opposes:**

Legislation that limits municipalities' ability to prevent or regulate deployment of technologies that would interfere with the management of the right-of-way.

5. On page 14 of the Proposed Principles, the City will take no position on principle 13. (Please see Principles for full text)

The Legislative Subcommittee discussed that many of the bills that come forward regarding statewide zoning changes would help increase housing stock and affordable housing in the state. These bills are opposed by NHMA because they remove local control. The Committee discussed and acknowledged that although the housing shortage is a statewide problem only a few communities are attempting to create more housing. Although the Committee is not in favor of losing local control, the Committee discussed that these statewide zoning changes are necessary in those communities. Since there are many obstacles to the creation of housing the Committee wanted to carve out an exception to NHMA's opposition to statewide mandates regarding legislation that would assist in the creation of housing by registering in opposition to these proposed policies. For Policies that were ambiguous, the Committee voted to take no position.

If the City Council votes to approve the NHMA's 2027-2028 Proposed Legislative Policies and Principles, the following motion should be adopted:

(Sample motion - move to approve NHMA's 2027-2028 Proposed Legislative Policies and Principles as recommended by the Legislative Subcommittee)



NH Municipal Association Proposed Legislative Policies 2027-2028

General Administration and Governance

Local Authority and Efficiency

NHMA supports maintaining local government authority without infringement by the state and supports measures that enable municipalities to exercise existing authority more efficiently and with greater discretion. NHMA also supports state-local partnership and coordination in addressing common issues.

NHMA supports:

- Legislation granting towns the same authority to adopt ordinances that cities have under RSA 47:17 and charter towns have under RSA 49-D;
- The authority of municipalities to regulate or limit the use of firearms on municipal property, and to regulate the carrying of firearms by municipal employees while on duty;
- Legislation allowing a town, by vote of its legislative body, to authorize appointment of the town clerk or town clerk/tax collector by the governing body, or by the chief executive officer based on a town charter, with appropriate employment protections to preserve the statutory independence of the office;
- Legislation allowing municipalities to satisfy notice publication requirements through the use of electronic notification rather than newspaper publication, in addition to posting notice in public places;
- Legislation that is supportive of state collaboration with municipalities in addressing homelessness;
- Legislation that helps ensure the availability of an adequate public sector workforce;
- Reform to the current welfare laws that increase state support or funding, make clear that local welfare is temporary for emergency assistance, and that promotes fairness and cooperation between municipalities; and,
- The ability of members to establish and govern risk pools. NHMA supports clear regulations that protect the members and allow the pools to operate.

NHMA opposes:

- Repealing or further limiting existing governmental immunity protections or liability caps, or otherwise expanding potential liability for cities and towns;
- Legislation that erodes existing local authority; and,
- Any new legislation requiring questions for a town's legislative body to be placed on the official ballot and supports legislation repealing current laws that require such official ballot votes.

Right-to-Know Law

Right to Know: NHMA supports the purposes of the Right-to Know Law: to ensure the greatest possible access to the actions, discussions, and records of all public bodies, and to ensure government accountability to the people of New Hampshire. NHMA also supports measures to make the law clearer and make compliance with public access requirements less costly and less burdensome for public officials and employees.

NHMA supports:

- The ability to recover reasonable labor costs and other costs for responding to voluminous or excessive or commercial record requests, protecting taxpayer dollars and potential privacy concerns of citizens;
- Exemptions from disclosure that are easy to administer and that provide appropriate protection for confidential and other sensitive information;
- The ability of municipalities to directly petition to the Right-to-Know Law Ombudsman;
- Legislation and funding that provide support for education about the Right-to-Know Law; and,
- Authority of municipalities to set the meeting locations, conditions, and modalities (including in-person, remote, or combined in-person/remote) for meetings of councils, boards, committees, and commissions.

Elections

NHMA believes that voting in state and local elections should be simple and convenient without risking election integrity or security, and that election processes should be efficient without imposing undue burdens on local officials.

NHMA supports:

- Establishing an independent redistricting commission that balances municipal boundary integrity with applicable constitutional population equality requirements;
- Local autonomy over town and city elections;
- More frequent state review and approval of electronic ballot-counting devices;

- Registration and voting processes that are not unnecessarily complex or burdensome, either to election officials or to voters;
- The use of secure technology such as electronic poll books to make election processes more efficient;
- Greater flexibility in the processing and counting of absentee ballots; and,
- State assistance for the cost of accommodations for disabled voters in local elections.

Labor and Employment

NHMA recognizes the importance of municipal employees, the need for good working conditions, and the right of employees to organize if they choose. NHMA also believes municipal employers should be free to set reasonable terms and conditions of employment or negotiate the same with their employees or employee representatives, without undue state interference.

NHMA **supports** existing laws governing all public employment and public employee labor relations.

NHMA **opposes** changes to legislation that would mandate greater burdens or liabilities on employers.

NHMA **opposes**:

- Legislation creating a mandatory “evergreen clause” for public employee collective bargaining agreements;
- Mandatory binding arbitration as a mechanism to resolve impasses in municipal employee collective bargaining;
- A right to strike for public employees;
- New mandated employee benefits, including any proposal to enhance retirement system benefits that may increase employer costs in future years;
- Unnecessary limits on municipalities’ discretion in making hiring decisions; and,
- Restrictions on municipalities’ ability to privatize or use contracted services.

Substance Use, Prevention & Response

NHMA **supports**:

- State funding and other legislation to address substance use disorders for the following efforts:
 - Prevention
 - Treatment
 - Recovery
 - Emergency response
 - Enforcement

- Legislation relative to the sale and use of cannabis only if communities are given the authority to opt in to allowing cannabis sales within their borders and are given the tools and resources they need to manage any associated impacts. Such legislation shall include the following provisions:
 - Municipalities shall retain the authority to limit the number of cannabis-related facilities operating within their jurisdiction, ensuring that local land use and community character are preserved.
 - State legislation shall provide sustained funding to municipalities to help address the local costs and community impacts that come with legalization. As the governmental entities most directly responsible for managing the day-to-day effects of cannabis operations, municipalities require reliable financial support to fulfill this role effectively.
 - Any cannabis-related establishment shall enter into a host community agreement with its host municipality. These agreements help ensure that cannabis establishments operate as responsible members of the community while providing municipalities with the oversight tools necessary to protect residents and local interests. These agreements may address topics including, but not limited to:
 - Community impact fees
 - Revenue-sharing provisions related to cannabis sales
 - Security standards for premises
 - Traffic and crowd management support
 - Provisions for business termination and compliance

NHMA opposes:

- Reductions in state funding for substance use disorder or recovery support programs;
- Legislation that makes it more difficult to address the substance use disorder problem in our communities.

Finance and Revenue

Property Taxes and Related Revenues

NHMA supports legislation that allows municipalities to manage property tax levies in a manner that moderates tax rates and ensures equity, fairness, and efficiency in the assessment and collection of property taxes.

NHMA supports:

- The continuing right of municipalities to use any recognized method of appraisal for assessment purposes upheld by the New Hampshire judicial system;
- Legislation to ensure that:

- property taxes are assessed to the proper owner by requiring that all owner name changes be separately filed at the registry of deeds when such an owner change is not created by a transfer of the property, and,
- all liens, whether of a private or institutional nature, be filed at the registry of deeds, and that all changes to the name of a recorded lienholder be similarly filed;
- A legislative commission to study assessment and collection of property taxes and/or municipal utility fees on manufactured housing on land of another and on transient-type properties;
- Legislation ensuring fairness and accuracy in property tax exemptions including ensuring that all household income and assets are taken into account;
- Legislation that prohibits the use of the income approach by a taxpayer in any appeal of assessed value if the taxpayer refuses to provide such information as requested by the municipality;
- A legislative commission to study reimbursement through payments in lieu of taxes (PILOTs) for municipal services provided to exempt charitable properties, including charitable non-profit housing projects;
- A legislative commission to study local enabling legislation to allow for a uniform homestead exemption for resident owners on the principal place of residence.

NHMA opposes:

- Legislation that directly or indirectly increases or redistributes property taxes, including but not limited to new or expanded mandatory exemptions or credits, or changes in the process for valuing, assessing, or taxing specific classes of properties;
- Legislation that undermines the basic goals of the current use program or reduces the 10-acre minimum size requirement for qualification for current use beyond those exceptions now allowed by the rules of the Current Use Board;
- Legislation that expands the definition of “charitable” in RSA 72:23-1 unless the state reimburses municipalities for the commensurate loss of property tax base;
- An assessment methodology for big box stores that employs comparisons to “dark store” properties abandoned or encumbered with deed restrictions on subsequent use.

State Aid and Non-Property Tax Revenues

NHMA supports funding of state aid to municipalities, supports legislation authorizing local control over non-property tax revenue streams, and opposes legislation that reduces, suspends, or eliminates existing local taxes, fees, or state aid.

NHMA supports:

- A state transportation policy that provides adequate and sustainable funding for state and municipal infrastructure and transportation systems and maintains or

increases the percentage share of state highway funds distributed to municipalities;

- Legislation authorizing the establishment of local option fees and providing for periodic adjustments to statutory fees to compensate for factors including, but not limited to, the effects of inflation, such as an increase in the maximum optional fee for transportation improvements;
- Legislation that enhances the ability for ambulance and other emergency services to collect fees for the services they provide;
- Reimbursement from the state for the cost of municipal services provided to state-owned properties;
- Legislation amending motor vehicle registration enforcement laws to ensure collection of all state and local registration fees owed by New Hampshire residents;
- Legislation that creates a mechanism to compensate host municipalities for costs generated by casino operations beyond what is covered by property tax payments.

NHMA opposes:

- Legislation that would repeal the dedicated fund created to share 30% of state meals and rooms tax revenue with municipalities along with any further reduction to the percentage shared, or any further reduction to the state meals and rooms tax.
- Diversion of state highway funds for state non-transportation network purposes.

New Hampshire Retirement System (NHRS)

NHMA supports the continuing existence of a retirement system for state, municipal, school, and county government employees that is secure, solvent, fiscally healthy, and financially sustainable, and that both employees and employers can rely on to provide retirement benefits for the foreseeable future.

NHMA supports:

- Increasing the state's participation in employer costs for police, fire, and teachers;
- Inclusion of participation by municipal officials designated by NHMA on any legislative study committee or commission formed to research alternative retirement system benefits plans or designs; and,
- Performance of an actuarial analysis of any legislation proposing benefits changes or other plan changes that may affect employer contribution rates.

NHMA opposes:

- Legislation expanding benefits that increase current or future employer contribution costs;

- Legislation that assesses additional charges on employers beyond NHRS board-approved rate changes;
- Legislation that expands the eligibility of NHRS membership to positions not currently covered by the plan; and,
- Legislation further restricting a municipality's ability to employ NHRS retirees in part-time positions or the imposition of any fees or penalties associated with such employment.

Education Funding

NHMA supports a revenue structure for funding an adequate education to meet the state's responsibilities as defined by the constitution, statutes, and the common law with revenue sources that are predictable, stable, and sustainable.

NHMA supports:

- A revenue structure that is not disruptive to the long-term economic health of the state;
- A revenue structure that is efficient in its administration; and,
- A revenue structure that is fair.

NHMA opposes:

- Retroactive changes to the adequate education funding distribution formula after the notice of grant amounts has been provided to local governments;
- Education funding changes that would directly result in a reduction of the amount of municipal state aid and revenue sharing;
- Education funding changes that create a conflict in statute with any other taxing authority, tax statute, existing exemption or credit or create technical issues within the tax collection process.

Infrastructure, Development, and Land Use

Energy, Environment, and Sustainability

NHMA supports preservation and enhancement of municipal energy, climate, and sustainability planning for communities, protection of the natural environment, and implementation of clean and renewable energy, while recognizing the need for municipalities to manage their resources and the natural environment without undue cost.

NHMA supports:

- Legislation that broadens municipalities' ability to install and use renewable energy sources, including higher caps or elimination of caps on net energy metering;

- Legislation that provides financial and other assistance to municipalities for conservation techniques and installation and maintenance of renewable energy sources;
- Legislation that allows municipalities to adopt local environmental regulations, including for environmentally sensitive lands, that are no less stringent than those implemented by the state;
- Legislation that enables municipalities to enact measures that promote local energy and land use systems that are both economically and environmentally sustainable;
- Legislation that protects and preserves local natural resources and public infrastructure, builds community resilience, and fosters adaptation to climate change and mitigates its risks;
- Policies that support customer and community choice in energy supply and use competitive market-based mechanisms to promote innovation, cost effectiveness, and sustainability; and,
- Legislation that provides state or federal assistance to municipalities to promote environmental justice and to mitigate environmental impacts faced by their residents, and to drive early local engagement in decision processes.

NHMA opposes:

- Legislation that overrides local determinations of appropriate energy sources and regulations;
- Legislation that limits municipalities' ability to install and use renewable energy sources, including lowering caps or eliminating net energy metering for municipal projects; and,
- Legislation that prohibits municipalities from adopting local environmental regulations, including, but not limited to, ordinances that protect environmentally sensitive lands.

Water Resources Protection, Control, and Management

NHMA supports measures enabling municipalities to protect, control, and efficiently and safely manage water infrastructure and its resources. NHMA believes the State should support its commitments to municipalities for water infrastructure programs and that any new mandates that impose additional costs on municipalities must be funded by the state or federal government.

NHMA supports:

- Legislation that provides state or federal investment in maintaining and improving the state's critical water infrastructure, including, but not limited to, dams, public drinking water systems, wastewater systems, stormwater systems, and surface and groundwater;
- Legislation that encourages regional and innovative solutions to drinking water, wastewater, stormwater, and surface and groundwater issues; and,

- Regulation of emerging contaminants at appropriate and feasibly achievable levels when supported by relevant scientific and technical standards that are broadly accepted by peer review and cost-benefit analyses, when coupled with appropriate state or federal funding.

NHMA opposes:

- Enactment of stricter drinking water, wastewater, stormwater, or surface water and groundwater regulations for municipalities unless any costs of compliance are funded by the state or federal government or responsible party.

Solid Waste Management

NHMA recognizes the need for efficient, economical, and environmentally sensitive mechanisms for solid waste management which allow municipalities to use the most appropriate disposal systems. NHMA believes any new mandates that impose additional costs on municipalities must be funded by the state or federal government.

NHMA supports:

- Programs that support municipal, regional, and state strategies to manage solid waste through reduction, reuse, recycling, resource recovery, composting, and other measures, while maintaining local control;
- State programs that address existing and emerging contaminants at no additional cost to municipalities;
- Fees or assessments on solid waste or recycling that are used to provide direct support or enhancement of local or regional solid waste, household hazardous waste, and recycling programs; and,
- Improving transparency and increasing municipalities' input and control relative to the siting of new or the expansion of existing landfills, recycling centers, and solid waste facilities.

NHMA opposes:

- Limiting municipalities' input and control relative to zoning and land use regulations in favor of state landfill, recycling centers, and solid waste facility siting requirements.

Housing

NHMA recognizes the need for diverse, affordable, and workforce housing in New Hampshire and the responsibility of each municipality to afford reasonable opportunities for the development of diverse, affordable, and workforce housing. NHMA believes municipalities should have discretion in how to satisfy this responsibility and supports legislation that enables municipalities to find innovative ways to ensure an adequate supply of housing.

NHMA supports:

- Legislation that allows municipalities to require the inclusion of affordable and diverse housing opportunities as part of new housing developments;
- Financial and other incentives to municipalities to encourage development of diverse, and affordable, and workforce housing, including but not limited to municipal per unit grants;
- Financial and other incentives that assist homeowners in FEMA designated flood areas such as with the elevation of residential dwellings;
- Legislation that provides state funding to the regional planning commissions that helps municipalities in meeting their housing needs;
- Statewide efforts, including funding, to provide housing for those experiencing homelessness or at risk of homelessness and for those recovering from substance use disorder, subject to reasonable municipal regulation;
- Policies that encourage documentation and financial traceability of cash and bartered rental transactions;
- Legislation and policies that encourage creative and flexible approaches to meeting housing needs of current and future demographics in different regions; and,
- Legislation which promotes a collaborative approach between the state, municipalities, and other key stakeholders to address the state's housing shortage.

NHMA opposes:

- Legislation and policies that encourage housing practices that exclude people from or decrease the availability of quality, affordable housing; and,
- Legislation that erodes local control over land use decisions.

Land Use

NHMA supports the long-standing authority of municipalities to regulate land use matters with minimal interference from the state.

NHMA supports:

- Legislation enabling municipalities at their discretion to adopt more recent editions of national/international building and fire codes than the current state-adopted editions;
- Legislation that supports the adoption of more recent editions of the national/international building and fire codes after review and recommendation by the Building Code Review Board and/or the State Fire Control Board;
- Legislation and policies that take into consideration the value of conservation, natural resources, and open space;
- Legislation that ensures the state compensates municipalities for the cost of statewide land use mandates on public infrastructure and resources;

- Increased local control over parking requirements for new development, including residential, and increased state investment in public parking infrastructure;
- Increased local control over the implementation of statewide land use mandates; and,
- Legislation enabling municipalities to conditionally amend their zoning ordinances or other applicable local regulations, after a public hearing, to promptly and only address statewide land use mandates that have been signed into law, rather than waiting to place zoning amendments on the official ballot for a vote at the next annual meeting.

NHMA opposes:

- Legislation that limits municipal control in implementing statewide priorities in zoning and land use regulation;
- New state mandates requiring municipalities to allow specific types of housing;
- Legislation and policies that limit municipalities' ability to regulate building codes, inspections, and enforcement; and,
- All other statewide land use mandates.

Information Technology, Communications, and Cybersecurity

NHMA supports initiatives to make the most current information and communication technology accessible to New Hampshire communities, so long as local authority over land use regulation and safety issues is not compromised.

NHMA supports:

- Legislation that allows for the responsible, ethical, and transparent use of Artificial Intelligence (AI) technologies by New Hampshire municipalities to enhance public services, improve operational efficiency, reduce costs, enhance security, manage risk, and engage more effectively with the community.
- Legislation that increases the ability of municipalities, especially those in rural and remote areas, to facilitate and advance access to reliable broadband technology to the premises in their communities;
- Legislation that provides flexibility for municipalities in accessing poles and pole attachments, including legislation that directs the New Hampshire Public Utilities Commission to adopt the FCC rule on access to poles called “One-Touch-Make-Ready” in order to facilitate bringing high-speed fiber optic cable to service all New Hampshire communities, homes, and businesses by internet service providers (ISPs) in an expedient and cost-effective manner;
- Legislation that provides state and federal investment, including grants, for installation of high-speed fiber optic broadband technology to serve all New Hampshire communities, homes, and businesses;
- Legislation that requires or encourages and incentivizes providers to disclose information to local government relative to access and broadband connections

provided in the municipality to help municipalities better understand and address the needs of their community; and,

- State investment in cybersecurity assistance to municipalities to protect data and infrastructure.

NHMA opposes:

- Legislation that would promote discrimination in the administration of government, the violation of privacy of the citizens we serve, or create or promote threats to public safety.
- Legislation that limits municipalities' ability to prevent or regulate deployment of technologies that would interfere with the management of the right of way; and,
- Statewide mandates on cybersecurity practices unless any associated costs are funded by the state or federal government.

Transportation

NHMA supports state policies that ensure access for all users to convenient, efficient, reliable, cost effective, safe, and sustainable multi-modal transportation systems in New Hampshire.

NHMA supports:

- Appropriate funding for state and local modes of transportation, including but not limited aviation, transit, bicycle, and multi-modal facilities;
- Continued state and federal investment in public transportation systems and projects designed to support access to vital services, economic, and recreational opportunities within communities, link communities and regions, and reduce vehicle congestion on New Hampshire's roads;
- Programs and funding sources that would appropriately recover and distribute the impact of vehicles used on local and state transportation infrastructure; and,
- Adequate funding for the maintenance and development of the state turnpike system.

NHMA opposes:

- Any action or inaction by the State that results in the downshifting of maintenance responsibilities for transportation infrastructure (road, bridge, culvert, drainage) to municipalities.

Economic Development, Recovery, and Vitality

NHMA supports allowing municipalities to implement measures to foster economic development which allows for the preservation and creation of jobs and vitality within our communities.

NHMA supports:

- Legislation that allows for local adoption of more options and more flexibility to provide incentives for economic recovery and development; and,
- Expansion and more flexibility of state tax credit and exemption programs to foster economic recovery, development, and vitality.

NHMA opposes:

- Legislation that makes it more burdensome to implement economic recovery, development, and vitality measures.

NH Municipal Association Proposed Legislative Principles

2027-2028

In addition to the established Legislative Policy positions adopted by the New Hampshire Municipal Association membership, the following principles should guide staff in setting priorities during any legislative biennium:

1. Identify and oppose mandates that violate Part 1, Article 28-a of the New Hampshire Constitution.
2. Work to maintain municipalities' share of state-level revenue sources (revenue sharing, meals and rooms tax, highway block grants, municipal bridge, state water and wastewater capital programs, and other state aid). Oppose proposals that reduce revenue unless there is a sustainable identified replacement source. Support efforts that create more sustainable sources for revenue.
3. Advocate to maintain and enhance existing local authority in all areas of local government.
4. Support legislation that provides greater authority to govern more effectively, efficiently, and flexibly at the local level, including local option legislation. If the legislature is considering adopting a program that is particularly controversial at the local level, support a requirement that a local legislative body vote is necessary before full implementation of the measure.
5. Support bills proposed by individual municipal members, except when they conflict with these principles or NHMA's Legislative Policies.
6. Oppose mandated state exemptions or credits from local property taxes without substantial benefits back to municipalities.

7. Advocate for municipal representation on state boards, commissions, and study committees that affect municipal government and have non-legislative members.
8. Work cooperatively with other groups and associations to support efforts to improve the delivery of services and cost efficiency at the local level.
9. Support municipal efforts toward effective regional and state cooperation and delivery of municipal and state services.
10. Advocate for local options for economic development and vitality in partnership, including public-private partnerships, with regional and state economic development goals to encourage the overall economic health and social well-being of New Hampshire.
11. Encourage clarity and the elimination of ambiguity in statutory language, especially in areas of decision-making authority.
12. Support the rights of cities and towns to advocate, individually or collectively, for or against legislation and to join, hire, or establish organizations that do so on their behalf.
13. Support municipalities' ability to re-adopt state laws that are local options that the state has modified, rather than the changes being mandated.

The legislative principles are not in order of weight or priority. They each carry their own independent value and should be viewed in that fashion when used to determine NHMA's position on a bill or policy.

Automated License Plate Reader Systems

Councilor Bagley

Re: An Ordinance regarding automated license plate reader systems

Proposed ordinance language:

Section 1. Purpose. The purpose of this ordinance is to ensure public transparency and City Council oversight before the City of Portsmouth acquires or deploys fixed or networked automated license plate reader systems, while preserving the Police Department's existing use of mobile license plate readers as regulated by state law.

Section 2. Definitions. For purposes of this ordinance:

(a) "Automated license plate reader" or "ALPR" means a system of one or more cameras or imaging devices, combined with computer algorithms, used to capture and convert images of vehicle license plates into computer-readable data.

(b) "Fixed ALPR" means any ALPR affixed to a pole, structure, bridge, building, or other stationary object, whether permanently or on an ongoing basis.

(c) "Mobile ALPR" means an ALPR mounted on or in a department vehicle and operated by a law enforcement officer in accordance with RSA 261:75-b.

Section 3. Council Approval Required. No city department, board, or agency shall acquire, purchase, lease, contract for, accept by donation, accept grant funding for, participate in a pilot or trial program involving, or deploy any of the following without prior approval of the City Council at a duly noticed public meeting:

(a) any fixed ALPR; or

(b) any ALPR system that retains captured data beyond the limits established in RSA 261:75-b, or that transmits, uploads, or shares captured data with any third-party, regional, or national database.

Section 4. Exemption. Mobile ALPRs operated in compliance with RSA 261:75-b, including those currently in use by the Portsmouth Police Department, are exempt from Section 3 and are unaffected by this ordinance.

Section 5. Temporary Deployments. Nothing in this ordinance shall prohibit the temporary deployment of a portable or trailer-mounted ALPR in connection with a specific active investigation or public safety event, provided the deployment complies with RSA 261:75-b, does not exceed thirty days, and is reported to the City Council at its next regular meeting.

Motion for the agenda:

Move to direct the City Attorney to review the attached proposed ordinance language regarding automated license plate reader systems, and to return a final draft ordinance to the City Council for first reading.

Best regards,

Andrew Bagley

1-603-583-8015 (mobile)

PARKING and TRAFFIC SAFETY COMMITTEE
PORTSMOUTH, NEW HAMPSHIRE

CITY HALL CONFERENCE ROOM A
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

Members of the public also had the option to join the meeting over Zoom.

9:00 AM

August 6, 2026

MINUTES

1. CALL TO ORDER

Committee Chair Annie Hopkins called the meeting to order at 9:00 AM.

2. ATTENDANCE

Members Present:

Public Works Director Peter Rice

Fire Chief William McQuillen

Deputy Police Chief Mike Maloney

Committee Chair Annie Hopkins

Stefanie Casella, Planning Department

Erica Wygonik

Mary Lou McElwain

Mark Syracuse

Jane Mitchell-Pate (Via Zoom)

Barbara Sadick (alternate)

City Staff Present:

Eric Eby, City Engineer

Tyler Reese, Project Manager

3. FINANCIAL REPORT

[00:06:23] Peter Rice moved to accept the financial report dated June 30th, 2026, seconded by Stefanie Casella. On a unanimous vote, the motion passed.

4. PUBLIC COMMENT (15 MINUTES)

[00:07:09] There were five public speakers: Randle Wright complimented the ongoing RAPP program and asked that Sudbury Street be included in the RAPP program as it is currently omitted. Tyler Garzo spoke to the Fleet Street redesign and travel lane widths and NACTO requirements. Colin Scholler spoke regarding the intersection of Cass Street and Middle Street and Cass Street and Chevrolet Avenue and pedestrian concerns in the area. Lucia Vonletkemann spoke regarding parking concerns at the library and middle school areas, and how that area has faced more pressure due to the implementation of the RAPP program. Pat Bagley spoke regarding concerns about converting Fleet Street to one way traffic with a contraflow bike lane.

5. PRESENTATIONS

[00:22:53] Eric Eby presented the proposed design of counterflow bike lane on Fleet Street from Hanover Street to Congress Street.

6. NEW BUSINESS

- A.** [00:30:53] Fleet Street, review and discussion of proposed design of counterflow bike lane from Hanover Street to Congress Street. Discussion ensued regarding the conversion of Fleet Street to one-way traffic, contraflow bike lanes and adjustment of parking to the east side of the street.

Peter Rice moved to approve the design of the conversion to one-way traffic on Fleet Street and the contraflow bike lane with modifications to add pavement markings, increase the width of the buffer between vehicle and cycle traffic and to investigate adding a bump-out adjacent to the Hanover Garage entrance. Stefanie Casella seconded the motion, which passed unanimously.

Erica Wygonik moved to recommend approval of an amendment to CHAPTER 7, VEHICLES, TRAFFIC AND PARKING, ARTICLE III, TRAFFIC ORDINANCE, Section 7.336 A, One-Way Streets, changing Fleet Street to one-way from Congress Street to Hanover Street while also allowing bicycle operators to ride in the opposite direction within the marked counterflow bike lane. Bill McQuillen seconded this motion, which passed unanimously.

Erica Wygonik moved to recommend approval of an amendment to CHAPTER 7, VEHICLES, TRAFFIC AND PARKING, ARTICLE III, TRAFFIC ORDINANCE, Section 7.330 A, No Parking, which will move the parking spaces from the west side to the east side of Fleet Street as presented. Peter Rice seconded the motion, which passed unanimously.

- B.** [00:57:08] Marcy Street, request to modify No Parking area between New Castle Avenue and Walden Street. Erica Wygonik moved to schedule Committee site visit and refer to staff for evaluation and report back, seconded by Bill McQuillen. The motion passed unanimously.
- C.** [00:59:00] Richards Avenue at Rockland Street, request to address stop sign noncompliance. Erica Wygonik moved to schedule Committee site visit and refer to staff for evaluation and report back. Peter Rice seconded the motion, which passed unanimously.
- D.** [01:00:06] State Street, crosswalk at African Burial Ground, request for evaluation of additional enhancements. Erica Wygonik moved to refer to staff for evaluation and report back, seconded by Bill McQuillen. The motion passed unanimously.
- E.** [01:03:27] Complete Streets, request for report back from Legal Department on implementation of policy. Peter Rice moved to have the Legal Department report back to the committee on the City's implementation of the Complete Streets policy. Mary Lou McElwain seconded the motion, which passed unanimously.

7. OLD BUSINESS

- A.** [01:03:50] Cass Street, request for traffic calming at Chevrolet Avenue intersection, by residents. Erica Wygonik moved to schedule Committee site visit and refer to staff for evaluation and report back. Barbara Sadick seconded the motion, which passed unanimously.

8. INFORMATIONAL

- A.** [01:06:14] Police monthly collision report
B. [01:13:29] Construction projects update
C. [01:15:37] Traffic calming request applications received - Sage Lane, Maplewood Avenue
D. [01:20:00] Ocean Road requests
E. [01:13:53] Edmond Avenue sidewalk project update
F. [01:21:00] Urban SDK speed and volume database

9. MISCELLANEOUS

[01:26:51] Mary Lou McElwain reiterated the concerns regarding parking at the library lot and the added pressures the RAPP program has added to the lot.

[01:28:16] A resident spoke regarding a request for a handicapped parking space on Daniel Street at Penhallow. The item will be discussed at next month's meeting.

10. ADJOURNMENT

[01:31:20] Mary Lou McElwain moved to adjourn, seconded by Peter Rice. On a unanimous vote, the motion passed. Chair Annie Hopkins adjourned the meeting at 9:53 AM.

Respectfully submitted,
Jefferson Lane
Business Administrator, Department of Public Works

PARKING and TRAFFIC SAFETY COMMITTEE

ACTION SHEET

9:00 A.M. – August 6, 2026
City Hall Conference Room A

PRESENT: **Members:** Committee Chair Annie Hopkins, Vice Committee Chair Erica Wygonik, Public Works Director Peter Rice, Fire Chief William McQuillen, Deputy Police Chief Mike Maloney, Stefanie Casella Planning Department, Mary Lou McElwain, Mark Syracuse, Jane Mitchell-Pate via Zoom, Alternate Barbara Sadick

City Staff: City Engineer Eric Eby, Project Manager Tyler Reese

ACTION ITEMS FOR CITY COUNCIL

Voted to recommend approval of an amendment to CHAPTER 7, VEHICLES, TRAFFIC AND PARKING, ARTICLE III, TRAFFIC ORDINANCE, Section 7.336 A, One-Way Streets, changing Fleet Street to one-way from Congress Street to Hanover Street while also allowing bicycle operators to ride in the opposite direction within the marked counterflow bike lane.

Voted to recommend approval of an amendment to CHAPTER 7, VEHICLES, TRAFFIC AND PARKING, ARTICLE III, TRAFFIC ORDINANCE, Section 7.330 A, No Parking, which will move the parking spaces from the west side to the east side of Fleet Street as presented.

1. **Roll Call**
2. **Financial Report:** **Voted** to accept the financial report dated June 30, 2026.
3. **Public Comment Session:** Randle Wright (RAPP Pilot), Tyler Garzo (Fleet Street redesign), Colin Scholler (Cass/Middle and Cass/Chevrolet intersection concerns), Lucia Vonletkemann (RAPP Pilot), Pat Bagley (Fleet Street redesign)
4. **Presentations:** Proposed design of counterflow bike lane on Fleet Street from Hanover Street to Congress Street, by DPW.
5. **Fleet Street, review and discussion of proposed design of counterflow bike lane from Hanover Street to Congress Street.** **Voted** to approve the design of the conversion to one-way traffic on Fleet Street and the contraflow bike lane with modifications to add pavement markings, increase the width of the buffer between vehicle and cycle traffic and to investigate adding a bump-out adjacent to the Hanover Garage entrance.
Voted to recommend approval of an amendment to CHAPTER 7, VEHICLES, TRAFFIC AND PARKING, ARTICLE III, TRAFFIC ORDINANCE, Section 7.336 A, One-Way Streets, changing Fleet Street to one-way from Congress Street to Hanover Street while also allowing bicycle operators to ride in the opposite direction within the marked counterflow bike lane.
Voted to recommend approval of an amendment to CHAPTER 7, VEHICLES, TRAFFIC AND PARKING, ARTICLE III, TRAFFIC ORDINANCE, Section 7.330 A, No Parking, which will move the parking spaces from the west side to the east side of Fleet Street as presented.

6. **Marcy Street, request to modify No Parking area between New Castle Avenue and Walden Street, by residents.** Voted to schedule Committee site visit and refer to staff for evaluation and report back.
7. **Richards Avenue at Rockland Street, request to address stop sign noncompliance, by resident.** Voted to schedule Committee site visit and refer to staff for evaluation and report back.
8. **State Street, crosswalk at African Burial Ground, request for evaluation of additional enhancements, by Committee member.** Voted to refer to staff for evaluation and report back.
9. **Complete Streets, request for report back from Legal Department on implementation of policy.** Voted to have the Legal Department report back to the committee on the City's implementation of the Complete Streets Policy.
10. **Cass Street, request for traffic calming at Chevrolet Avenue intersection, by residents.** Voted to schedule Committee site visit and refer to staff for evaluation and report back.
11. **Police monthly collision report:** Informational; no action required.
12. **Construction projects update:** Informational; no action required.
13. **Traffic calming request applications received - Sage Lane, Maplewood Avenue:** Informational; no action required.
14. **Ocean Road requests:** Informational; no action required.
15. **Edmond Avenue sidewalk project update:** Informational; no action required.
16. **Urban SDK speed and volume database:** Informational; no action required.

Respectfully submitted by: Jefferson Lane