

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, DECEMBER 7, 2020

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

Remote Meeting via Zoom Conference Call

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

https://zoom.us/webinar/register/WN_eupF_8yZQtSOX3hiiO5njA

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

Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-24, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

- I. **WORK SESSION – There was no Work Session held.**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – **POSTPONED****
- III. **CALL TO ORDER [7:00 p.m. or thereafter]**

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

Mayor Becksted recited that this is a Remote Meeting via Zoom Conference Call. Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-25 and Emergency Order #12, Section 3. Members location. All votes will be by roll call.

IV. ROLL CALL

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

V. INVOCATION

Mayor Becksted asked for a moment of silent prayer and announced that many people and churches have reached out to him offering assistance to those in need. He urged anyone to contact him through e-mail and he would provide information to be able to reach out to those offering help during these difficult times.

VI. PLEDGE OF ALLEGIANCE

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

VII. ACCEPTANCE OF MINUTES

There are no minutes on for acceptance this evening.

IX. PUBLIC COMMENT SESSION

Josh Denton said the two biggest things that the Council can do right now is vote for the mask extension and the task force.

Rebecca O'Brien spoke on the delay of the single use ordinance and said she will wait until the public hearing to address this matter further.

Bert Cohen said he sent a letter in from the Sustainable Practices Blue Ribbon Committee on the single use ordinance.

Mayor Becksted said it would be more appropriate to speak regarding the single use ordinance during the public hearing.

Andrew Bagley requested that the City Council continue the task force until June but extend outdoor dining until 2021. He would like everyone to have all summer for outside dining. He also requested the city review the amount it is requesting for liability coverage for serving of alcohol at the outside dining establishments.

Valerie Rochon, Chamber of Commerce, said she supports the mask mandate for businesses to stay open. She also spoke in support of outdoor dining and urged the City Council to continue the task force in order to plan long term.

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

First Reading of Ordinances:

- A. First Reading of Ordinance amending Chapter 10, Article 6 – Overlay Districts – Flood Plain Overlay District Zoning Maps

Planning Director Walker provided a brief presentation on the ordinance and zoning maps. She reported that a work session and public hearing by the Planning Board was held as well as all owners were notified that would be impacted by the amendment. She said these amendments are the result of FEMA adopting new maps. She reported that property owners would remain eligible for the flood plain insurance and that 452 properties are located in the flood plain areas. She indicated that Jennifer Gilbert from the State offices is available if you have any questions. Planning Director Walker advised the City Council that the ordinance must be adopted by January 15, 2021.

City Manager Conard said we could hold the public hearing and leave it open until the January meeting and then adopt third reading that same evening by suspension of the rules.

Councilor Kennedy asked if the PowerPoint would be available to the City Council. Planning Director Walker said she would share that with the City Council and have it posted on the website for the public to review. Councilor Kennedy said she would like to have Jennifer Gilbert come forward to answer questions by the City Council.

Ms. Gilbert reported that once FEMA releases a map the community must adopt the maps or they would be dropped from the program and property owners would not qualify for flood insurance.

Planning Director Walker said that flood plain insurance is required by those home owners that have mortgages.

Councilor Lazenby moved to pass first reading on the proposed amendments to the Flood Plain Overlay District and schedule a public hearing and second reading at the December 21, 2020 City Council meeting. Seconded by Councilor McEachern.

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

Public Hearing and Second Reading of Ordinances:

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

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

Councilor Kennedy asked how many parking spaces we were giving up with this ordinance. Transportation & Parking Engineer Eby said approximately 8 to 10 parking spaces. Councilor Kennedy said we are losing parking for 8 to 10 vehicles and cars will start moving into other neighborhood areas creating parking problems. Transportation & Parking Engineer Eby said that staff could come back and relook at this matter.

Councilor Tabor moved to pass second reading and schedule a third and final reading at the December 21, 2020 City Council meeting. Seconded by Councilor Lazenby.

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

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

City Attorney Sullivan stated in preparation for this meeting both Mayor Becksted and Councilor Lazenby had similar concerns regarding the ordinance taking effect the last day of the year and business owners are concerned with the ordinance being effective during the pandemic. He advised the City Council that Mayor Becksted wanted the ordinance to be effective in two years with Councilor Lazenby feeling a delay of the ordinance for two years would be an issue and a relaxation of the enforcement is all that is necessary. City Attorney Sullivan said the first step would be a written warning. He further stated if the Council told City administration to stop at the written warning that would take place. City Attorney Sullivan went on to say both Mayor Becksted and Councilor Lazenby are trying to accomplish where the approach would roll together and by passing second reading would delay the ordinance effective date by two years.

Mayor Becksted asked how often it happens with passing an ordinance without enforcement because he does not want to create a confusing issue for people.

Councilor Lazenby asked if we could hold the public hearing and vote to keep it open to another meeting. City Attorney Sullivan responded affirmatively.

Councilor Whelan asked the City Attorney if we advertise this in the newspaper, but only with the approach to have a public hearing. City Attorney Sullivan said the Council should proceed with the ordinance as advertised in the newspaper.

Assistant Mayor Splaine asked if there is a problem taking the approach of Councilor Lazenby. City Attorney Sullivan said policies are adopted by the City Council, in the keeping of the ordinance the enforcement was put into the ordinance last year, also for flexibility the first offense should be a firm letter. He further stated if the City Council tells the City Manager how they feel on this matter, the City Manager would take action.

Councilor Kennedy said that this could create a large amount of paperwork and she does not imagine the letters going out on this matter. She said she is fearful there is no guidance in effect of the ordinance. She stated her concerns with the ordinance is targeting particular groups.

Councilor Huda asked what is the position of the State on this matter. City Attorney Sullivan said the State has no regulations on single-use plastics. He said when the ordinance was originally adopted the City Council was aware that there was no enabling regulations. Councilor Huda asked if we move forward citywide we would impact Prescott Park and the ball field concessions. She said at this point because we don't know what will happen next year should the Council move forward with this. City Attorney Sullivan said both Mayor Becksted and Councilor Lazenby have the right idea and the City Council should do one or the other.

Councilor McEachern said the first warning, extending the written warning is not a great conflict for the City administration. He said there may be a need to delay this process.

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

Bert Cohen, Sustainable Practices Blue Ribbon Committee, said the Committee has been in effect for 5 different Mayor's and this is a local issue from the Sustainable Practices Blue Ribbon Committee. He said there is an urgency and we have less than a decade to make changes in the way we are going about business. He stated whatever we do won't tip the bucket, but in the global picture there is a need. He stated 99% of plastic is made from fossil fuels and currently half of plastic ends up in the ecosystem with all of this outweighing fish in the ocean. He said symbolically we need to move sustainability to the top of the agenda and doing what we can to raise awareness. Mr. Cohen said all of the Council has the hard deliberation to make this a timely matter.

Andrew Bagley said we heard interesting things like this is a well-crafted ordinance but he urged the City Council to do the right thing for the City.

Ben Doyle, student of Portsmouth High School, spoke in support of the ordinance and said this issue needs immediate action. He said the City is an Eco municipality and this is the natural next step to ban the single use plastics. He said a ban is the most reasonable way to move forward.

Christina Dubin spoke in opposition to the amendment. She said the ordinance should be looked at with numbers and plastics are not good for recycling. She stated we need to realize we have limited capacity to make changes and the high cost of plastics need to be considered. Ms. Dubin said she would support a delay, if it is necessary for implementation.

Rebecca O'Brien said she is opposed to delaying the effectiveness of the ordinance. She stated she has worked on this matter with Surfrider Organization and we need to endorse the plastic issue. She indicated we need to consider the production of plastics, the high costs with the usage in the City. She feels we need to start with the effectiveness of the ordinance.

Patrick Ellis said he was concerned that because we are in the middle of a pandemic we need to consider this ordinance and delay the implementation. He said the idea of delaying the ordinance for two years is a concern. He said we have been an Eco municipality since 2005 and he would like to keep the ordinance in place and make no agreement to give a warning for enforcement.

Josh Denton asked the City Council to delay enforcement due to COVID-19. He said the legality for the City ordinance is not at risk. He stated the Prescott Park Arts Festival introduction to compostable flatware was a concern but it worked. He spoke to being able to still transport items with plastic bags.

With no further speakers, Mayor Becksted closed the public hearing.

Councilor Tabor said we agree that plastic and Styrofoam are terrible for the environment. He would like to support Councilor Lazenby's motion but he asked if Mayor Becksted would consider an amendment to his motion to have the ordinance go into effect March 1, 2022. Mayor Becksted said it would be the next City Council that this ordinance would take effect. He is concerned that the City Council would take the matter up and being recognized on the State level. He stated there is no other community in New Hampshire that has this type of ordinance and we created something without knowing what the cost would be to the City.

Councilor McEachern said we do not want to put an undue burden on businesses with this ordinance. He stated if we are going to move forward he would delay the penalty portion of the ordinance for two years.

Councilor Kennedy spoke to her work on trying to save oceans. She informed the City Council that some businesses are concerned with this matter because they cannot afford to purchase disposable items.

Discussion followed among the City Council regarding the ordinance.

Mayor Becksted passed the gavel to Assistant Mayor Splaine.

Mayor Becksted moved to pass second reading to delay the effectiveness until December 31, 2022 and hold third and final reading at the December 21, 2020 City Council meeting. Seconded by Councilor Huda.

Assistant Mayor Splaine returned the gavel to Mayor Becksted.

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

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

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

Josh Denton thanked the City Council for putting up the good fight to keep progress moving forward.

Andrew Bagley said it is unusual to have two similar ordinances back to back. He said the City should not take lead on this matter and he would like to and we need to be working to save our downtown during this pandemic.

With no further speakers, Mayor Becksted closed the public hearing.

Mayor Becksted passed the gavel to Assistant Mayor Splaine.

Mayor Becksted moved to pass second reading and to hold third and final reading at the December 21, 2020 City Council meeting with the effective date of ordinance being December 31, 2022. Seconded by Councilor Huda.

Assistant Mayor Splaine returned the gavel to Mayor Becksted.

Councilor Lazenby expressed concerns with passing this ordinance.

Councilor McEachern said this ordinance does not exist in the State of New Hampshire and he does not feel there is an urgency to act on this matter.

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

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

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

Councilor Lazenby stated he wants to have the ordinance in place until we decide it is no longer required.

City Attorney Sullivan said the City Council could repeal the ordinance.

Councilor Whelan said the Governor passed a mandate of masks until January 15, 2021.

City Attorney Sullivan said the executive order differs from the mask ordinance. He said the effect is the stricter one would be enforced.

Councilor McEachern said the Governor made specific mention that ordinances would not be repealed in communities. He said we need to continue to have the ordinance in place along with the Governor's mandate.

Mayor Becksted said a vote of the City Council would play along until the end date. He said we need to have a light at the end of the tunnel. He would like to have a way to have time to look at this. He said he would like to review this matter at the beginning or end of March.

Mayor Becksted called for speakers.

James Petersen spoke on behalf of the Task Force and their recommendation to extend the mask ordinance to a future date, when it is no longer needed.

Josh Denton spoke regarding the mask ordinance and extending the Task Force until the end of the Council's term.

Andrew Bagley said the entire State has a mask mandate and it is important to have that for our businesses downtown. He said the virus is not going away soon and masks will be part of our future and we need to extend the ordinance, perhaps beyond spring.

Representative David Meuse – commended the City Council for passing the mask mandate. He said today we reached 1,200 cases and by Christmas the numbers could increase by two to three times for cases. He stated we need to find ways to unite together.

Richard Gamester said he agrees with much that has been said but this type of mandate should be segmented. It is not fair for the City Council to be the only one representing the public. He would like to speak to this matter again in 90 days.

With no further speakers, Mayor Becksted closed the public hearing.

Assistant Mayor Splaine said he has questions for Health Officer McNamara. Assistant Mayor Splaine asked Health Officer McNamara how is the mask ordinance going and do you have any recommendations. Health Officer McNamara said the ordinances is going well and the vaccine will be rolled out in different tiers and have five to six weeks before you can stop wearing masks. She stated looking at the distribution plan we are looking to next summer before we have everyone vaccinated.

Councilor Lazenby moved to pass second reading and hold third and final reading at the December 21, 2020 City Council meeting. Seconded by Councilor McEachern.

Discussion followed regarding extending the term of the ordinance.

Councilor Huda moved to amend the motion to carry the current ordinance until June 30, 2021 with a review by the Council at that time. Seconded by Councilor Kennedy.

Discussion followed regarding wearing masks and whether June 30th is enough time in the future and whether that time frame should be reviewed.

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

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

Councilor Lazenby moved to suspend the rules in order to bring Health Officer McNamara forward to provide a COVID-19 Update. Seconded by Assistant Mayor Splaine.

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

Health Officer McNamara provided a brief presentation on COVID-19 and spoke to the current statistics in New Hampshire. She reported that the number of cases are rapidly increasing and everything you do could put you at risk. She stated that this could have an impact on the health care system into the future. She urged everyone to take precautions and stay safe.

Councilor Kennedy asked Health Officer McNamara regarding the 10 day period before students could return to school if exposed. Health Officer McNamara said more options have been provided on the quarantine time frame from 14 to 10 days and that it should be left up to individual communities.

At 10:05 p.m., Mayor Becksted called a brief recess. At 10:10 p.m., Mayor Becksted called the meeting back to order.

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

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

Councilor Kennedy said she has questions on the \$400,000.00 and why we are spending the money for this in December.

Finance Director Belanger said there are five resolutions on for adoption this evening and the projects are identified in the Capital Improvement Plan. She said an update on year end revenues and expenditures was provided in October. She spoke to the collection of property taxes and advised the Council that as of June 30th we were at 98.4% and to date we are at 99.6%. She said that a summary report is prepared each month and available on the website. Finance Director Belanger outlined and spoke in depth regarding the general fund and explained the legal debt limit. She discussed the city policy to use no more than 10% of debt service to keep debt manageable.

Councilor Huda asked what is the debt date of the data. Finance Director Belanger advised the debt service page is from FY21 budget.

Discussion followed regarding authorizing bonds and the spending of funds.

With no speakers, Mayor Becksted declared the public hearing closed.

Councilor Lazenby moved to adopt the proposed project resolution to be bonded as presented. Seconded by Councilor Trace.

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

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

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

School Business Manager Lunney spoke to the various projects that would be conducted with this bonding resolution.

Councilor Huda asked could we move out money for the projects that are not being worked on until 2022. Mr. Lunney said no because we need to bond the projects and have the funding in place. Finance Director Belanger stated the school needs the authorization to start moving forward with the project. She also advised the City Council you cannot award a bid without the authorization for the bond.

With no speakers, Mayor Becksted closed the public hearing.

Councilor Lazenby moved to adopt the proposed project resolution to be bonded as presented. Seconded by Councilor McEachern.

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

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

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

Public Works Director Rice reviewed the project and advised the Council that the entire aquatic system needs replacement as well as other issues that will need to be addressed which could cost approximately \$3,000,000.00.

Councilor Trace asked if the pool will be open this summer. Public Works Director Rice said we will limp through another season of the pool but it is long overdue for some major upgrades.

Councilor Huda said you are 35% complete on the design and you're already anticipating an increase. Public Works Director Rice said we will work and make adjustments on the scope of the project if we cannot have a functioning pool. He said construction can be challenging and we may need additional funding but we do not foresee seeking additional funds.

Discussion followed on bonding and projects.

With no further speakers, Mayor Becksted closed the public hearing.

Councilor Kennedy moved two bonds up to \$2,000,000.00 for the cost related to outdoor pool upgrades. Seconded by Councilor Trace.

Councilor Kennedy said the Council needs to be clear regarding what we are doing given our economic times.

Councilor McEachern said how two bonds would make it clearer, does that lessen our position for a better rate.

Finance Director Belanger said the reason we have several projects in one authorization is because of the debt limit and the Police Department's \$400,000.00 could have been part of that. She said there is no benefit to separate the bonds. She said in the event the money is not needed we would not use the bond.

City Manager Conard said one bond is for efficiency purposes.

Councilor Trace said she would like to do this without a group of amendments, and just have it clearly stated.

City Attorney Sullivan suggested borrowing \$3,640,000.00 (\$2,000,000.00 for outdoor pool) and (\$1,640,000.00 for City Streets and Sidewalks).

Councilor Kennedy and Councilor Trace agreed and restated the motion.

Councilor Kennedy moved to adopt the proposed project resolution with \$2,000,000.00 for the Outdoor Pool Upgrades and \$1,640,000.00 for City Street and Sidewalk Upgrades. Seconded by Councilor Trace.

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

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

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

Deputy Public Works Director Goetz spoke to the projects within the Resolution. He said we would move forward with permitting the project further into FY21.

Councilor Huda asked where the funding is coming from for the new water source. Deputy Public Works Director Goetz said it is ongoing funds from previous resolutions. Councilor Huda asked about the painting of the tank. Mr. Goetz said painting is needed inside and outside of the tank and it must be done quickly.

With no speakers, Mayor Becksted closed the public hearing.

Councilor Lazenby moved to adopt the proposed project resolution to be bonded as presented. Seconded by Councilor Huda.

Councilor Kennedy thanked Deputy Public Works Director Goetz for bring this Resolution forward in one group of items.

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

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

City Engineer Desmarais presented the two items for the Sewer Fund Resolution. He spoke to each project as identified in the resolution which are funds for sewer separation work. City Engineer Desmarais also spoke to the pipe lines and addressed the leak under the bridge for a pipe installed back in 1997.

Councilor Trace said looking at the map and speaking to the temporary line she asked if permanent pipes would be installed and when would that occur. City Engineer Desmarais said we are working on design currently and pricing, the project should begin by the middle of summer to early fall. Councilor Trace said we have a dog park out there in the middle of COVID and it sounds like you will not be able to bring your dog to the area for two years. City Engineer Desmarais said there is a walking path for the dog park.

Councilor Kennedy asked about the figures and said she is disappointed that the lines were not part of the wastewater treatment plant project. She said we need to let people know what the sewer will cost. She stated if there are any other changes she wants them brought forward in January. She also indicated she would like to see the report.

Councilor Whelan asked Finance Director Belanger how much of the bonding would be under the SRF. City Engineer Desmarais said we will not be eligible for the SRF because they were not timely. Councilor Whelan said SRF would be more generous for the City versus the General Fund.

Councilor Tabor spoke to Lonza and their capacity of use. City Engineer Desmarais said we are awaiting the responses for additional capacity and we will determine how that is paid for.

Councilor Huda said if we can't go back and use the SRF can we go back to the original bond. City Engineer Desmarais said it would be an additional loan and you could not get those funds.

Councilor Trace said she can't begin to think about a nitrogen number for Pease because it will be a large number. She said we need to ask about this matter now, which is a game changer. She asked City Manager Conard for a work session/report back on Pease Wastewater Treatment Facility in the near future.

With no speakers, Mayor Becksted closed the public hearing.

Councilor Lazenby moved to adopt the proposed project resolution to be bonded as presented. Seconded by Councilor Trace.

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

At 12:10 a.m., Assistant Mayor Splaine moved to adjourn the remainder of the meeting until next Monday, December 14, 2020 at 6:30 p.m. Seconded by Councilor Lazenby.

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



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK