

CITY COUNCIL MEETING

Remote Meeting via Zoom Conference Call

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

https://zoom.us/webinar/register/WN_Sg-uYL3KQTqAWtI8QKsi_g

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

Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-25, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

DATE: MONDAY, JANUARY 25, 2021

TIME: 7:00PM

6:00PM – ANTICIPATED NON-PUBLIC SESSIONS:

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

- 1. RIGHT-OF-WAY ISSUES RELATED TO THE PEVERLY HILL PROJECT – CONSIDERATION OF LEGAL ADVICE – RSA 91-A:3 II (I)**
- 2. COLLECTIVE BARGAINING AGREEMENT IN ACCORDANCE WITH RSA 91-A:3 II (a)**

AGENDA

- I. WORK SESSION – THERE IS NO WORK SESSION THIS EVENING**
- II. PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] - **POSTPONED****
- III. CALL TO ORDER [7:00 p.m. or thereafter]**
- IV. ROLL CALL**
- V. INVOCATION**
- VI. PLEDGE OF ALLEGIANCE**
- VII. ACCEPTANCE OF MINUTES – JANUARY 11, 2021**
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
- IX. PUBLIC COMMENT SESSION – (*Via Zoom*)**
- X. PUBLIC DIALOGUE SUMMARY [when applicable] - **POSTPONED****
- XI. PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**

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

XII. MAYOR BECKSTED

1. *Appointments to Portsmouth Arts and Non-Profit Blue Ribbon Committee
2. Appointments to the Mayor's Blue Ribbon African Burying Ground Stewardship Committee
 - Ronald Baisden
 - JerriAnne Boggis, ex-officio
 - Kathleen Wheeler, ex-officio
3. Resignation
 - Adam Webster from the Conservation Commission
4. Request for First Reading on Ordinance Re: Land Use Regulatory Board Appointments Process

XIII. CITY COUNCIL MEMBERS

A. COUNCILOR HUDA

1. Auditing Firm for the FY21 City Financial Audits (***Sample motion – move that the City Manager engage a new auditing firm for the FY21 City Financial Audits***)

B. COUNCILOR HUDA & COUNCILOR KENNEDY

1. Middle Street Bike Lanes (***Sample motion – move for a report back to the residents and the Council on the process that has taken place after the motion by the Council to review the Middle Street Bike Lanes with the State of New Hampshire***)
2. Initial CIP Review Meeting (***Sample motion – move for a report back from the City Manager to the resident and the Council on the status of all outstanding bonds related to Capital Improvement Plan***) ***Please include the following Data:***
 - ***Date the Bond was Approved by the Council***
 - ***Date of the Bond Issuance, Amount & Term of the Bond***
 - ***List of Bonds Approved by the City Council that are Unissued as of 12/31/2020***
 - ***List of the Projects that the Bond is providing Funds to Implement (If included in a pooling of projects, please note projects included by amount)***
 - ***Status to Completion of each Project (I.E. % Complete, 25%, 95%)***
 - ***Remaining Balance Attributed to each Project at 12/31/2020***

XIV. APPROVAL OF GRANTS/DONATIONS

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

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Approval of Working Agreement Between the Police Commission and Police Chief Mark Newport
2. Request for Public Hearings Regarding Elderly and Disabled Exemptions

3. Request for Work Session Regarding Prescott Park Master Plan Implementation
4. 60 Penhallow Street (Brick Market) Request for Temporary Construction Licenses
(Tabled from the January 11, 2021 City Council meeting)
5. Request for First Reading to Update Fine Structure for Parking Citations
6. Request to Name Private Subdivision Road Located Off Banfield Road
7. Donor Town Education Funding and Coalition Communities 2.0

XVI. CONSENT AGENDA

- A. Request for License to Install a Projecting Sign for owner Sarah DiCecca, Wild Valentine, LLC for property located at 261 South Street (***Anticipated action - move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director's Stipulations

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

- B. Request for License to Install a Projecting Sign for owner Derrick Horton, Free State Bitcoin Shoppe for property located at 2 Bow Street (***Anticipated action - move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director's Stipulations

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

- C. Letter from Kathie Lynch, Portsmouth Little League, Inc., requesting permission to Place Temporary Signs at the Plains and Hislop Park Baseball Fields during the 2021 Baseball Season (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- D. Letter from Maria Stephanou, Alzheimer’s Association, requesting permission to hold the 2021 Annual Seacoast Walk to End Alzheimer’s on Sunday, September 26, 2021 (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- E. Letter from Rich Clyborne, The Gundalow Company, requesting permission to hold the 11th annual Round Island Regatta on Saturday, August 7, 2021 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence (***Sample motion – move to accept and place on file***)
- B. *Presentation by Fire Chief Germain on COVID-19 Vaccinations
- C. *Update on the Mayor’s Blue Ribbon Committee to Reopen Portsmouth 2021 to include Work Plan for 2021 as Requested at the December 14, 2020 City Council meeting
- D. Presentation Regarding Middle Street Bike Lane Review – Jeremy Chzan, Toole Design
- E. Letter from Economic Development Commission Regarding Portsmouth Arts and Culture Outreach and Advocacy (***Sample motion – move to include arts and culture outreach, advocacy and research in the charge of Blue Ribbon Committee on Re-opening and representation on the committee***)

XVIII. CITY MANAGER’S INFORMATIONAL ITEMS

- 1. Report Back on the state of Broadband Internet Access in City as Requested by Councilor McEachern at the January 11th Council Meeting
- 2. Report Back on Letter from Thomas Morgan Regarding Solar Farms

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

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

** Indicates verbal report*



CITY OF PORTSMOUTH

City Hall, One Junkins Avenue
Portsmouth, New Hampshire 03801
kconard@cityofportsmouth.com
(603) 610-7201

Karen S. Conard
City Manager

Date: January 21, 2021

To: Honorable Mayor Rick Becksted and City Council Members

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

Re: City Manager's Comments on City Council Agenda of January 25, 2021

XV. City Manager's Items which Require Action:

1. **Request for Approval of Employment Agreement Between the Police Commission and Police Chief Newport:**

The City Council reviewed an employment agreement for Chief of Police, Mark Newport, in a Non-Public Session earlier this evening. [Attached is the proposed agreement.](#)

I recommend that the City Council move to ratify the agreement as presented with Chief of Police, Mark Newport.

2. **Request for Public Hearings Regarding Elderly and Disabled Exemptions:**

Annually, the City of Portsmouth reviews income and asset levels for both the Elderly and Disabled Exemptions and makes recommendations as to these levels pursuant to RSA 72:39-b and RSA 72.37-b.

Last year, the City Council adopted resolutions #2-2020 and #3-2020 which increased the income levels and the amount off the assessed value of the property for qualifying elderly and disabled taxpayers. The current elderly and disabled exemption income levels are \$43,151 for a single taxpayer and \$59,332 for married taxpayers; the current asset limit is \$175,000.

If qualified, for elderly taxpayers, the exemption off the assessed value of the property is as follows:

- Age 65 to 74 \$235,000
- Age 75-79 \$285,000
- Age 80 + \$335,000

If qualified, for disabled taxpayers, the exemption of the assessed value of the property is \$235,000.

Option 1:

This year the 2021 increase for Social Security recipients is 1.3%.

If the City Council wishes to adjust the income level for both the elderly and disabled taxpayers by the Social Security cost-of-living increase, this would increase the limits as follows:

- Single \$43,712 increase of \$561
- Married \$60,103 increase of \$771

Option 2:

This year the November to November ten-year rolling average of the Boston-Cambridge-Newton, MA-NH consumer price index is 1.8%.

If the City Council wishes to adjust the income level for both the elderly and disabled taxpayers by the November to November consumer price index, this would increase the limits as follows:

- Single \$43,928 increase of \$777
- Married \$60,400 increase of \$1,068

Option 3:

Do Nothing (Leave As Is)

Statute does not require an annual adjustment in income, asset or exemption amounts. Existing levels can remain capped as they currently exist. Any adjustment if approved would be for assessments as of April 1, 2021 for Tax Year 2021 (FY22).

Typically, the Assessor’s office mails a notification annually to all elderly and disabled persons who currently receive this exemption to update their applications. Due to the COVID-19 pandemic and to avoid unnecessary exposure of elderly and disabled taxpayers coming into City Hall with required documentation, only new applicants must submit an application and required documentation by April 15th of each year.

Below for your information is the estimated tax impact of the elderly and disabled exemptions for FY22 and a Town/City comparison indicating what other City and neighboring communities’ income and assets limits are for the elderly exemption.

Estimated Elderly & Disabled Exemption Impact				
Exemption Type	Exemption Amount	Number Currently Receiving Exemption	Value Loss	Revenue Loss
65 through 74	\$ 235,000.00	24	\$ 5,640,000.00	\$ 82,908.00
75 through 79	\$ 285,000.00	25	\$ 7,125,000.00	\$ 104,737.50
80 and over	\$ 335,000.00	59	\$ 19,765,000.00	\$ 290,545.50
Disabled	\$ 235,000.00	6	\$ 1,410,000.00	\$ 20,727.00
Totals		114	\$ 33,940,000.00	\$ 498,918.00

Note: The current tax rate of \$14.70 would be decreased to a difference of approximately 8 cents on the current tax rate if the elderly and disabled exemptions were not granted.

Elderly Exemption Comparison Single Income							
	Single Income:	Married Income:	Single Assets:	Married Assets:	Exemption 65-74 years old	Exemption 75-79 years old	Exemption 80+ years old
Nashua	\$50,000	\$50,000	\$150,000	\$150,000	\$194,000	\$224,000	\$280,000
Portsmouth	\$43,151	\$59,332	\$175,000	\$175,000	\$235,000	\$285,000	\$335,000
Dover	\$42,000	\$57,000	\$169,800	\$169,800	\$115,000	\$162,000	\$207,000
North Hampton	\$40,000	\$55,000	\$175,000	\$175,000	\$120,000	\$160,000	\$200,000
Rye	\$40,000	\$59,900	\$199,000	\$199,000	\$75,000	\$90,000	\$105,000
New Castle	\$40,000	\$55,000	\$150,000	\$150,000	\$125,000	\$175,000	\$225,000
Hampton	\$38,000	\$58,000	\$250,000	\$250,000	\$125,000	\$160,000	\$200,000
Manchester	\$37,000	\$50,000	\$90,000	\$115,000	\$109,500	\$148,500	\$195,500
Greenland	\$36,000	\$60,000	\$75,000	\$75,000	\$60,000	\$80,000	\$100,000
Stratham	\$36,000	\$60,000	\$200,000	\$200,000	\$125,000	\$145,000	\$165,000
Rochester	\$35,000	\$50,000	\$100,000	\$100,000	\$75,000	\$100,000	\$125,000
Concord	\$34,300	\$47,200	\$95,000	\$95,000	\$73,000	\$119,000	\$203,000
Somersworth	\$32,000	\$50,000	\$100,000	\$100,000	\$50,000	\$65,000	\$75,000
Elderly Exemption Comparison Married Income							
	Single Income:	Married Income:	Single Assets:	Married Assets:	Exemption 65-74 years old	Exemption 75-79 years old	Exemption 80+ years old
Greenland	\$36,000	\$60,000	\$75,000	\$75,000	\$60,000	\$80,000	\$100,000
Stratham	\$36,000	\$60,000	\$200,000	\$200,000	\$125,000	\$145,000	\$165,000
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Somersworth	\$32,000	\$50,000	\$100,000	\$100,000	\$50,000	\$65,000	\$75,000
Concord	\$34,300	\$47,200	\$95,000	\$95,000	\$73,000	\$119,000	\$203,000
Elderly Exemption Comparison Married Assets							
	Single Income:	Married Income:	Single Assets:	Married Assets:	Exemption 65-74 years old	Exemption 75-79 years old	Exemption 80+ years old
Hampton	\$38,000	\$58,000	\$250,000	\$250,000	\$125,000	\$160,000	\$200,000
Stratham	\$36,000	\$60,000	\$200,000	\$200,000	\$125,000	\$145,000	\$165,000
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Manchester	\$37,000	\$50,000	\$90,000	\$115,000	\$109,500	\$148,500	\$195,500
Greenland	\$36,000	\$60,000	\$75,000	\$75,000	\$60,000	\$80,000	\$100,000

Elderly Exemption Comparison Exemption Amount 65-74 Years Old							
	Single Income:	Married Income:	Single Assets:	Married Assets:	Exemption 65-74 years old	Exemption 75-79 years old	Exemption 80+ years old
Portsmouth	\$43,151	\$59,332	\$175,000	\$175,000	\$235,000	\$285,000	\$335,000
Nashua	\$50,000	\$50,000	\$150,000	\$150,000	\$194,000	\$224,000	\$280,000
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Greenland	\$36,000	\$60,000	\$75,000	\$75,000	\$60,000	\$80,000	\$100,000
Somersworth	\$32,000	\$50,000	\$100,000	\$100,000	\$50,000	\$65,000	\$75,000

Elderly Exemption Comparison Exemption Amount 75-79 Years Old							
	Single Income:	Married Income:	Single Assets:	Married Assets:	Exemption 65-74 years old	Exemption 75-79 years old	Exemption 80+ years old
Portsmouth	\$43,151	\$59,332	\$175,000	\$175,000	\$235,000	\$285,000	\$335,000
Nashua	\$50,000	\$50,000	\$150,000	\$150,000	\$194,000	\$224,000	\$280,000
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Rye	\$40,000	\$59,900	\$199,000	\$199,000	\$75,000	\$90,000	\$105,000
Greenland	\$36,000	\$60,000	\$75,000	\$75,000	\$60,000	\$80,000	\$100,000
Somersworth	\$32,000	\$50,000	\$100,000	\$100,000	\$50,000	\$65,000	\$75,000

Elderly Exemption Comparison Exemption Amount 80+ Years Old							
	Single Income:	Married Income:	Single Assets:	Married Assets:	Exemption 65-74 years old	Exemption 75-79 years old	Exemption 80+ years old
Portsmouth	\$43,151	\$59,332	\$175,000	\$175,000	\$235,000	\$285,000	\$335,000
Nashua	\$50,000	\$50,000	\$150,000	\$150,000	\$194,000	\$224,000	\$280,000
New Castle	\$40,000	\$55,000	\$150,000	\$150,000	\$125,000	\$175,000	\$225,000
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Rye	\$40,000	\$59,900	\$199,000	\$199,000	\$75,000	\$90,000	\$105,000
Greenland	\$36,000	\$60,000	\$75,000	\$75,000	\$60,000	\$80,000	\$100,000
Somersworth	\$32,000	\$50,000	\$100,000	\$100,000	\$50,000	\$65,000	\$75,000

I recommend that the City Council move to schedule public hearings at the February 8, 2021 City Council meeting.

3. **Request for Work Session Regarding Prescott Park Master Plan Implementation:**

At the January 11th City Council meeting, the Council voted to schedule a work session regarding the Blue Ribbon Committee on Prescott Park Master Plan Implementation recommendations. In speaking with the Mayor, we request Council schedule this for February 16, 2021.

I recommend that the City Council move to establish a Prescott Park Master Plan Implementation work session on February 16, 2021 at 6:30 p.m.

4. **60 Penhallow Street (Brick Market) Request for Temporary Construction License:**

On January 16, 2020 the Planning Board granted site plan review approval for an application from Dagny Taggart, LLC for property located at 60 Penhallow Street for the second part of the proposed Brick Market development to construct a new 4-story commercial building.

The Construction Mitigation and Management Plan (CMMP), signed in April 2020, identified temporary encumbrances of the public sidewalks and parking spaces on Penhallow Street and Daniel Street for project-related work during the project's construction. Encumbrances for a duration longer than 30 consecutive working days require a license approved by the City Council. In addition, the licenses are subject to the "License Fee for Encumbrance of City Property" policy.

The Council previously approved a temporary construction license for this project that included closure of sidewalks on Penhallow Street and Daniel Street as well as three (3) parking spaces on Daniel Street and four (4) parking spaces on Penhallow Street. The term of this license is set to expire on January 31, 2021.

At the request of the City, the applicant delayed use of the parking spaces on the Penhallow Street from October 1st to December 21st to allow for use of the street for outdoor dining. Per the terms of the license, the applicant will be reimbursed (or credited) the license fee for the portion of time they were not utilizing the license area.

At the January 11, 2021 City Council meeting, the applicant requested an extension to the existing license as well as a new license to partially close Penhallow Street. The Council voted to postpone action on both those requests in light of some concerns about the potential impact of the partial closure of Penhallow Street on the ability of restaurants on Penhallow Street to use the street for outdoor dining.

In a letter dated January 19, 2021, the applicant has requested an extension of their existing license for three (3) parking spaces on Daniel Street and the 1,740 square feet of sidewalk along Daniel Street and Penhallow Street for six months until July 31, 2021. In addition, they are requesting an extension of their use of the four (4) parking spaces on Penhallow Street to February 28, 2021.

The License Fee for the extension of the existing license for parking and sidewalks immediately abutting the subject property is \$15,747 for the sidewalks (1,740 sq. ft. X \$0.05 X 181 days), \$27,150 for the parking spaces on Daniel Street (3 spaces X \$50 X 181 days), and \$5,600 for the parking spaces on Penhallow Street (4 spaces X \$50 X 28) for a total license fee of \$48,497.

The above requests will not impact the ability of Massimo, Ceres Bakery, and Cure to use the street for outdoor dining as they did during the 2020 season.

At this time, the applicant is not requesting the partial closure of Penhallow Street as previously requested at the January 11th meeting. The project team has reported to City staff that they are working with neighboring businesses and property owners on resolving some of the issues raised by Council and others, and will likely be returning to the Council at a future meeting for an additional license request.

I recommend that the City Council move that the City Manager be authorized to execute and accept the temporary construction license for the parking spaces and sidewalks as requested.

5. Request for First Reading to Update Fine Structure for Parking Citations:

In its ongoing effort to ensure compliance with applicable City Ordinances, the Parking Division deploys a Citation Protocol with a view to encouraging residents and visitors to pay the meter system for the use of City Parking spaces. The Citation Protocol includes patrolling the City's parking spaces to ensure payment, and to issue Parking Citations when payment is not made or a driver has allowed their session to expire without renewal.

The current fine structure was last revisited in 2013. Presently, the Parking Division recognizes that the fine structure no longer encourages the desired effect, particularly as it pertains to the new daily maximum rates under the Stay and Pay system. Out-of-town guests who find a \$15 citation on their vehicle are now even more prone than before to simply skip payment for the remainder of the day, rather than be encouraged to either vacate the space or continue their parking session. Additionally, research of surrounding towns shows that Portsmouth lags behind peer averages in myriad violation categories.

To address this ongoing issue, the Parking Division recommends revisiting the fine structure as it pertains to four of the most common violations. Please see the [attached spreadsheet](#) detailing in blue the current fines, recommended changes, and peer town averages.

Because these recommendations are in regards to fines as opposed to fees, they are not presented to the Fee Committee. Appropriately, they were brought before the Parking, Traffic, and Safety Committee on March 5, 2020, resulting in a unanimous vote to forward to the City Council for first reading on March 16, 2020. Subsequently, the COVID-19 outbreak put this item on hold.

The [attached recommendations](#) have been updated to account for the new Stay and Pay system's higher daily maximums.

I recommend that the City Council move to schedule a first reading on the proposed amendments to the parking citation fine structure at the February 8, 2021 City Council meeting.

6. Request to Name Private Subdivision Road Located Off Banfield Road:

At the October 19, 2020 Council meeting, the Council reviewed a [request from the developers of the Village at Banfield Woods](#) open space planned unit development to name a private subdivision road. The project which was approved by the Planning Board on September 17, 2020, includes the construction of 22 single-family homes on a private cul-de-sac.

While this is not a public road, the subdivision regulations and City Ordinances reference the Planning Board's role in road naming. While the regulations do not stipulate that this has to be done as a public hearing, it has been the Planning Board's policy to notify abutting properties and to allow for a public hearing prior to approving the name. This process is also consistent with state laws governing the naming of streets. Therefore, the City Council referred this request to the Planning Board.

At the November 19, 2020 meeting after a public hearing, the Planning Board voted to recommend that the City Council approve the naming of the private road to Walford Lane as requested by the applicant. The name is a historical reference to the fact that the property was once part of the Walford Plantation owned by Thomas Walford in the 1600's as part of a much larger parcel (which also included the Hett Farm property on Peverly Hill Road).

When public roads are requested to be named or renamed, the Planning Board and City Council would typically consult a list of potential road names developed by the City in 2007/2008. When private roads are considered, the naming of the road is typically left up to the applicant, subject to final approval by the Council. The primary purpose for the Council to approve the naming of private roads is to ensure there is no conflict with existing road names in the city that would present a challenge for emergency responders.

At the December 21, 2020 Council meeting, the Council tabled this request pending clarification that its historical reference to the Walford Plantation, once owned by Thomas Walford, was not associated with slavery. The applicant (current owner) believes that the Village at Banfield Woods development, of which the proposed private road is part, is located in the rough proximity of where the Walford Plantation once existed.

Vincent Hayes, Associate Planner in the City's Planning Department, contacted the Portsmouth Public Library and the Athenaeum to obtain any available information or resources to help clarify the history of this location and its prior owner. Below is the result of Vincent's research, and we are extremely grateful to Thomas Hardiman at the Portsmouth Athenaeum and Catherine Czajkowski at the Portsmouth Public Library for their assistance.

It is important to note that slaves were recorded in Portsmouth as early as 1645, a time which overlaps with Thomas Walford's life and, consequently, the property which he owned. However, by the evidence made available at the Library and Athenaeum, Thomas Walford himself does not appear to have been a slaveholder. Perhaps the best evidence to this effect is

Walford's 1666 Will (NH State Papers v. XXXI. Pp. 87-88), which does not mention enslaved individuals. That said, his Will does reference an indentured servant, John Reed.

Moreover, during Walford's lifetime, the term "plantation" referred to a new colony or settlement. According to the Oxford English Dictionary, it was not until 1706, 40 years after Walford's death, that this term came to mean a southern or tropical estate for growing tobacco, cotton, rice, sugar, etc., and thereby its connection to slavery in, for example, the American South.

Furthermore, it is uncertain whether Walford ever owned, or was otherwise associated with, a plantation, per se. Walford was sent from England to America circa 1620 specifically to participate in the establishment of a plantation in what is today East Boston or Chelsea, Massachusetts. Once there, however, Walford is recorded in 1629 as the first English settler of Charlestown, Massachusetts, where he appears to have been frequently at odds with both his neighbors and local authorities. Walford was regarded as a frontiersman, a jack-of-all-trades, and fiercely individualistic. His seemingly good rapport with the Native Americans, and unwillingness to integrate into the local religious community or bend to the strict norms and moral doctrine of the Puritan authorities likely resulted in his banishment to the banks of the Piscataqua between 1631 and 1633. Here, one could speculate that Walford had been relieved of any official charge to establish a plantation.

Walford appears to have taken up residence on the Great Island, now New Castle, although there is some ambiguity surrounding the exact location of his residence in Portsmouth. Some accounts place him on the Little Harbor side of the Great Island and then later at Sagamore Creek. The nearby Witch Creek is thought to be named after his wife, Jane Walford, for reasons that will be mentioned further on. This may provide additional context of the Walford's presence in the area.

Returning briefly to the term plantation and its association with the Walfords, during this time an accord between Royalist and Puritan factions divided the Great Bay region into Upper and Lower Plantations, with the Royalist Lower Plantation including the mouth of the Piscataqua River (i.e. Portsmouth and Kittery), and the Puritan Upper Plantation including the Great Bay and its tributaries. It is conceivable that somewhere along the line, Walford's somewhat famed presence became conflated with this Lower Plantation designation as it came to outlive its original usage, and hence the historical reference to a "Walford Plantation." Or perhaps it was a term of derision, other residents being aware of Walford's original charge of establishing a plantation before his banishment from Massachusetts. It is not hard to imagine this scenario given the social ostracizing the Walford family endured not only in Massachusetts, but here as well - to such an extent that the Walford women, and especially his wife Jane, were regularly accused of witchcraft.

Whatever the origin, according to the Essex Antiquarian, a man by the name of Matthew Nelson bought one "Walford's Plantation" at the head of Sagamore Creek in 1697.

I recommend that the City Council vote to approve the request for naming of the new private road to Walford Lane.

7. Donor Town Education Funding and Coalition Communities 2.0:

For approximately ten years prior to 2006, the state funded education through a formula that created what was commonly known of as “donor” and “receiver” towns. Under this formula, a community was characterized as a donor community if it raised more in Statewide Education Property Tax (“SWEPT”) than the state’s calculation of that community’s total cost of an adequate education for its students. This “excess” SWEPT was then distributed by the state to communities whose cost of an adequate education exceeded the amount raised in SWEPT (known as “receiver” communities). Portsmouth, along with other donor towns, worked together to challenge the donor/receiver education funding formula through the formation of a group known as the “Coalition Communities.” In part, due to the advocacy of the Coalition Communities through lobbying efforts and litigation, the Legislature abolished the donor/receiver education funding formula. These efforts were funded by contributions from participating donor communities through the Claremont Coalition fund and from 2006 through the present, these communities now retain the “excess” SWEPT they raise.

A Commission to Study School Funding (“Commission”) was created by the Legislature in 2019 to “review the education funding formula and make recommendations to ensure a uniform and equitable design for financing the cost of an adequate education for all public-school students.” (RSA 193-E:2-e.) The City has monitored the Commission’s meetings and assisted in keeping former donor communities apprised of the Commission’s work. On December 1, 2020, the Commission issued its final report which recommends, in part, the return of a donor/receiver education funding model by recommending that communities that generate excess SWEPT remit the “excess” SWEPT to the state for redistribution to towns whose cost of an adequate education is more than the SWEPT the town generates.

That recommendation was converted to HB 504 last week. The bill, sponsored by Commission Chairman Luneau, requires municipalities to remit the state education property tax to the state (after deducting collection costs) for deposit in the Education Trusts Fund. This would mean those towns, including Portsmouth, who generate excess SWEPT would no longer be able to retain the excess SWEPT. If HB 504 passes, using Department of Education figures for FY 22, the City would send \$2,723,421.60 (less collection costs) to the state for deposit in the Education Trust Fund (\$12,043,851 (SWEPT) - \$9,320,429.40 (adequacy grant) = \$2,723,421.60 (excess SWEPT)). If HB 504 passes, the excess SWEPT of \$2,723,421.60, less administrative costs, would be remitted to the state under the current funding formula.

There is another significant concern regarding the Commission’s Report that is not reflecting in HB 504. The Commission’s Report also incorporates an education funding model that attempts to create a uniform education tax rate throughout the state of approximately \$12 per thousand. When applying this model to Portsmouth, the combined education tax rate would be \$12.24 (\$5 local education tax and \$7.24 state property tax). If legislation is introduced using this model, the impact on local property tax rates would be substantial. It would result in an increase on the City’s tax rate by \$5.27 per thousand (\$12.24 - \$6.97 (FY 21 combined local education and SWEPT) = \$5.27).

Applying this \$5.27 tax rate increase to a home with a value of \$470,850 (the current average single-family home value) would result in an increase in property taxes of \$2,481.

The funding model in the Commission's Report impacts former donor towns and towns that were not historically donor towns. These towns have become aware of the Commission's Report and its recommendation of returning to a donor town funding model. This new group of donor towns would like to come together to advocate and lobby in opposition to a donor town funding formula. These towns (Coalition Communities 2.0) are members of the New Hampshire Municipal Association ("NHMA"). NHMA provides advocacy and lobbying services to its members but it may not lobby on behalf of specific legislation supported or opposed by a municipality unless it is of interest to its members generally and supported by clear member-adopted policy positions as legislative principles. NHMA's current legislative policy on education does not specifically oppose a donor/receiver education funding model. Without majority membership support, NHMA's ability to lobby on behalf of the Coalition Communities 2.0 is severely limited and leaves its Coalition Community 2.0 members at a disadvantage in their ability to effectively advocate in opposition to legislation that would recreate a donor/receiver education funding formula.

Education funding is a complex issue and it would be unduly burdensome and costly for each town to separately track, advocate and lobby in opposition to education funding legislation that supports a donor/receiver model, particularly during COVID-19. The Coalition Communities 2.0 are going back to their Boards of Selectmen to confirm their participation in a new education funding group being formed to advocate against any education funding formula that would use the property tax to create a donor town funding model. The group is working to formalize an agreement with each other to pool resources to hire a lobbyist to assist in advocacy and communication services and other professional services if needed on this issue by entering into a MOU ([attached](#)) and will issue an RFP ([Scope of Service attached](#)) to solicit the professional services of a lobbyist firm in the next several weeks.

The City was the fiduciary agent for the original Coalition Communities who fought the donor town funding formula. The City reached out to our auditors who recommended that towns which have made recent contributions to the original Claremont Coalition Fund (a/k/a the Statewide Property Tax Coalition fund that appears in the City audit) provide written confirmation that those funds may be used by the newly formed Coalition Communities 2.0 to educate and advocate against any education funding formula that would use the property tax to create a donor town funding model.

I recommend that the City Council authorize the City to participate in the newly formed Coalition Communities 2.0, and to authorize the City Manager to negotiate and execute a MOU with the Coalition Communities 2.0 on behalf of the City in a form similar to the attached.

I also recommend that the City Council authorize that the City's previous contributions to the Claremont Coalition Fund a/k/a Statewide Property Tax Coalition Fund may be used by the

Coalition Communities 2.0 to educate and advocate against any education funding formula that would use the property tax to create a donor town funding model.

XVI. Consent Agenda:

A. Projecting Sign License for 261 South Street – Wild Valentine, LLC:

Permission is being sought to install a projecting sign at [261 South Street](#) that extends over the public right of way, as follows:

Sign dimensions: 42” x 48”

Sign area: 14 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. *Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:*

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

B. Projecting Sign License for 2 Bow Street – Free State Bitcoin Shoppe:

Permission is being sought to install a projecting sign at [2 Bow Street](#) that extends over the public right of way, as follows:

Sign dimensions: 30” x 30”

Sign area: 6.25 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. *Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:*

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

XVII. Presentations and Consideration of Written Communications and Petitions:

B. Presentation by Fire Chief Germain on COVID-19 Vaccinations:

Fire Chief Germain will be present at this evening's meeting to provide a brief update on Portsmouth's COVID-19 vaccination status.

C. Update on the Mayor's Blue Ribbon Committee to Reopen Portsmouth 2021 to include Work Plan for 2021 as Requested at the December 14, 2020 City Council meeting:

Co-Chairs of the Blue Ribbon Committee to Reopen Portsmouth 2021, James Petersen and Mark Stebbins, will be presenting at this evening's meeting.

D. Presentation Regarding Middle Street Bike Lane Review:

At the September 14, 2020 City Council meeting, the Council voted to request that staff redesign and reconstruct the Middle Street / Lafayette Road bike lanes by moving the parking of vehicles back to the curb which would relocate the bike lane to the outside of the parked cars and next to the motor vehicle travel lane. The Council vote requested that staff consult with the NH Department of Transportation (NHDOT) staff prior to implementing this change.

The City received \$223,764 through the Federal Safe Routes to School program (which is administered by NHDOT) for the design and construction of these bike lanes. The City expended \$86,902 of City funds for this project. As has been documented in prior email exchanges provided to the Council, NHDOT, as the fiscal agent for this project, has an obligation to protect the federal investment in the funds allocated to the City for this project in perpetuity. By extension, the City, as recipient of these funds, also has an obligation to do the same. NHDOT staff have indicated that in order for them to consider whether design modifications are merited, the community would need to demonstrate safety, environmental or other concerns about specific design details by completing a review and analysis by a qualified engineer. If NHDOT ultimately approves design modifications, the City would then be responsible for the costs to implement those.

After the Council vote in September, City staff solicited proposals from qualified engineering firms to assess the change proposed by the City Council and to conduct a review of the current bike lane design in preparation for review by NHDOT. The three firms submitting proposals were Sebago Technics, TEC Inc., and Toole Design. After consideration, City staff recommended that we select Toole Design to perform the engineering review of the Middle Street bike lane. They have the most experience of the three firms with designing multimodal transportation facilities on roadways such as Middle Street and are familiar with the City, having prepared the City's Bicycle and Pedestrian Plan. Toole Design Group is one of the nation's leading planning, engineering, and landscape architecture firms specializing in multimodal transportation planning and design. They are a leader in Complete Streets roadway design across the country, including hundreds of bike lane projects.

Their specific experience includes working through trade-offs associated with reconfiguring roadway cross sections to address pedestrian, bicycle, motorist, and transit users' needs while enhancing safety. In addition to preparing the City's 2014 Bicycle and Pedestrian Plan. They also prepared the nationally recognized Separated Bike Lane Planning & Design Guide for MassDOT, and were a main contributor to the FHWA Bikeway Selection Guide published in 2019.

Toole Design has prepared [the report](#) which is included in this evening's Council packet, and will be attending this evening's Council meeting to present and discuss their findings and recommendations. Bill Watson from NH DOT will also be present. Based on the process outlined by NHDOT, City staff (Eric Eby, Peter Rice, and Juliet Walker) and Toole Design Group lead engineer for this project (Jeremy Chrzan) reviewed the draft report with NHDOT staff (William Watson and Robert Hudson) on January 11th.

Toole Design Group's analysis does not find that the design modifications requested by Council are merited and their independent review of the bike lanes did not demonstrate safety, environmental, or other concerns that would justify a substantial redesign. However, Toole has identified several measures that could be implemented to improve the safety and operations of the bike lanes and pedestrian traffic, while not exposing the City to possible repayment of the federal grant. Bill Watson, Administrator at the NHDOT Bureau of Planning and Community Assistance, has [provided an email as follow-up](#) to that meeting on January 11, which also verifies that the City would be expected to pay back the federal funds should we decide to move forward with the Council's request.

XVIII. City Manager's Informational Items:

1. **Report Back on the state of Broadband Internet Access in City as Requested By Councilor McEachern at the January 11th Council Meeting:**

Please find [attached](#) a report back regarding Councilor McEachern's request at the January 11th City Council meeting.

2. **Report Back on Letter from Thomas Morgan Regarding Solar Farms:**

At the October 19, 2020 City Council meeting, the Council voted to refer [correspondence from Thomas Morgan](#) to the Planning Board for a report back. Mr. Morgan's letter requested zoning amendments to permit solar farms at appropriate locations, and to draft site plan review regulations to protect abutters, the environment, and taxpayers from improper installations. The Planning Board discussed this request at the December 17, 2020 Planning Board meeting and voted to recommend that the Council refer this request to the City's Blue Ribbon Committee on Sustainable Practices (Sustainability Committee).

The Sustainability Committee is currently looking at formulating a net zero energy recommendation for consideration by the Council and has been involved in City solar policies and projects in the past.

Related to solar arrays – it is important to note that there are two large solar projects already in place in Portsmouth currently on public property. One is located at the Portsmouth drinking water plant and another one is located at the high school.

Supporting renewable energy is consistent with the City's Master Plan. The City does not currently prohibit installation of wind power or solar energy panels on private property and buildings (in fact, they are specifically referenced in Sections 10.517 and 10.910 of the Ordinance). The City also has green building incentives in the Site Plan Review regulations.