

# CITY COUNCIL MEETING

Remote Meeting via Zoom Conference Call

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

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, MARCH 22, 2021**

**TIME: 7:00PM**

- **5:30PM – ANTICIPATED NON-PUBLIC SESSION REGARDING MCINTYRE PROJECT – PENDING CLAIMS – RSA 91-A:3 II (e)** [https://zoom.us/webinar/register/WN\\_SVku9MbpTZ6m7zaxvnp1Kg](https://zoom.us/webinar/register/WN_SVku9MbpTZ6m7zaxvnp1Kg)

## AGENDA

- 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 – FEBRUARY 22, 2021; JUNE 22, 2020 & JULY 15, 2020
  
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS
  
- IX. PUBLIC COMMENT SESSION – (*Via Zoom*)
  
- X. PUBLIC DIALOGUE SUMMARY [when applicable] - **POSTPONED**
  
- XI. PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS  
*(There are no items on under this section of the agenda this evening)*
  
- XII. MAYOR BECKSTED
  - 1. Appointments to be Considered:
    - Reappointment of Samantha Collins to be Conservation Commission
    - Appointment of Chris Gallot to the Peirce Island Committee
    - Reappointment of Thomas Ferrini to the Portsmouth Housing Authority
    - Reappointment of Carl Diemer to the Recreation Board
    - Reappointment of Kathryn Lynch to the Recreation Board
    - Appointment of Robert Bogardus to the Recreation Board
    - Appointment of Aubrey Gewehr to the Sustainable Practices Blue Ribbon Committee

### XIII. CITY COUNCIL MEMBERS

#### A. COUNCILOR LAZENBY

1. Proposed City Council Rule regarding transparency of City Council actions (***Sample motion – move to adopt, as part of the Revised Rules & Orders of the Portsmouth City Council,***

**Rule 48: Motions to be Germane to Agenda**

***No Member of the City Council shall make any motion at a City Council meeting except those motions which logically relate to an item contained in the written Agenda. To make a motion not logically related to an item contained in the written Agenda, the City Council would first need to vote by a two-thirds majority to suspend this rule.***

### XIV. APPROVAL OF GRANTS/DONATIONS

- A. Approval of National League of Cities Grant - \$10,000.00 (***Sample motion – move to authorize the City Manager to execute the Memorandum of Understanding with the National League of Cities as presented, and accept the grant funds in the amount of \$10,000.00***)

### XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

#### A. CITY MANAGER CONARD

**City Manager's Items Which Require Action:**

1. Adoption of Proposed Capital Improvement Plan
2. Peverly Hill Road Complete Street Project Public Comment Summary and Request for Public Necessity Hearing (*This is the link to the Peverly Hill Road Public Informational Session held on February 17<sup>th</sup>*) <https://youtu.be/3T3g4MM20tE>
3. Resolutions to Opt-In to the Great Bay Total Nitrogen General Permit and Draft Intermunicipal Agreement

### XVI. CONSENT AGENDA

- A. Request for License to Install a Projecting Sign for owner NNE Hospitality Group LLC for property The Puddle Dock Restaurant, LLC located at 66 Marcy 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 Henry Pariseau for property Portsmouth Feed Co. located at 22 Market Square Unit 1 (***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. Request for License to Install a Projecting Sign for owner Ahmed Beju for property Sineore Cannoli located at 70 Congress 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***

- D. Letter from Ilysse Sirmaian, Portsmouth Babe Ruth, requesting permission for placement of temporary signage at Leary Field during the 2021 baseball season (***Sample motion – 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. Letter from Larry Cataldo, Citywide Neighborhood Committee, regarding Chervolet Avenue Sidewalk Project (***Sample motion – move to refer to the City Manager for report back***)

- C. Email Correspondence from Bill Watson, NH Department of Transportation, regarding Middle Street Bike Lanes

**XVIII. CITY MANAGER'S INFORMATIONAL ITEMS**

- 1. Report Back on CIP and Bonding Process as Requested by Councilor Huda at the 3/15/2021 Council Meeting

**XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING**

- 1. Citywide Neighborhood Committee Meeting Minutes of March 3, 2021

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

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

*\* Indicates verbal report*



## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, FEBRUARY 22, 2021

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

### Remote Meeting via Zoom Conference Call

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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.

At 6:00 p.m., an Anticipated Non-Public Session was held regarding 150 Greenleaf Avenue – Consideration of Litigation – RSA 91-A:3, II (e).

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.

- I. **WORK SESSION – *THERE IS NO WORK SESSION THIS EVENING***
- II. **PUBLIC DIALOGUE SESSION [*when applicable – every other regularly scheduled meeting*] – **POSTPONED****
- III. **CALL TO ORDER**

At 7:20 p.m. Mayor Becksted called the meeting to order.

### IV. **ROLL CALL**

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

### V. **INVOCATION**

Mayor Becksted asked everyone to join in a moment of silent prayer in memory of Tony Vaccaro who recently passed away at the age of 102 and the Council offered its thoughts to the family through their loss.

### VI. **PLEDGE OF ALLEGIANCE**

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

## VII. ACCEPTANCE OF MINUTES – FEBRUARY 8, 2021 & DECEMBER 21, 2020

Councilor Tabor moved to approve and accept the minutes of the February 8, 2021 and December 21 2020 City Council meetings. Seconded by Councilor Kennedy.

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

## VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

### A. Farewell and Thanks to Deputy City Manager Nancy Colbert Puff

City Manager Conard offered well wishes to Nancy Colbert Puff who will be departing from the City of Portsmouth and this is her last public City Council meeting. She thanked Nancy for all of her hard work and recognized her for the implementation of many projects while serving the City of Portsmouth.

### B. Report from the Blue Ribbon Committee on Prescott Park Master Plan Implementation

Thomas Watson, Chair of the Blue Ribbon Committee and Cheri Ruane of Weston and Sampson reported on the proposed 2021 Master Plan which include the following:

- Stabilize and raise existing seawalls; improve and add tide gates
- Regrade Performance Lawn to temporarily hold above ground stormwater
- Regrade Water Street for preferential inundation pathways
- Raise and relocate the Shaw
- New addition beside the Shaw to accommodate mechanical systems (fire protection, etc.), accessibility requirements (Ph2)
- Based on resilient preservation approach the Shaw is raised and moved and the temporary stage is relocated to the vicinity of the “rail”

A review of the summary of changes were provided as outlined:

- Increased specificity of the necessary improvements create a resilient park, which informed the re-ordering of the implementation phases and included the relocation and raising of the Shaw Warehouse (Secretary of Interior’s Guidelines on Flood Adaptation for Rehabilitating Historic Buildings will be followed)
- A site change in the proposed relocation of the performing arts stage
- Re-assessment of the functionality of the Shaw Warehouse
- Re-ordering the phases of the Master Plan Implementation

Mr. Watson reported that the summary of changes were discussed with Co-Chair Richard Smith of the Peirce Island Committee over the weekend and he wished the Blue Ribbon Committee its best on their report to the Council.

**Councilor Lazenby moved to accept the proposed changes to the Prescott Park Master Plan as recommended by the Blue Ribbon Committee on Prescott Park Master Plan Implementation. Seconded by Assistant Mayor Splaine.**

Mayor Becksted said the Committee has done great work during these times and thanked them. He expressed concerns and said he wants to make sure we receive the biggest bang for our bucks with the project. He stated that he would rather see funds expended for other implementations of the plan rather than raising the Shaw building. Ms. Ruane spoke to the improvements needed to Water Street to accommodate infrastructure below grade and the Shaw building is part of that. Mayor Becksted said he is uncomfortable with relocating the stage and would like to amend the motion to exclude the stage relocation. Ms. Ruane spoke to the 15 meetings held on this plan and the input received from the public. Mr. Watson said let's not try to solve problems that might have solutions in the future. He stated in order to save the Shaw building we need to relocate the stage.

Councilor Kennedy stated that the stage is seasonal and not permanent. Mr. Watson said that is correct. She further stated there will be no increase in attendance with the plan. Mr. Watson said there is a defined seating area surrounded by paths and will have a natural number of seats. He further stated they cannot predict how many people will show up.

Councilor Huda would like the Committee to come back to the City Council with a better idea of what dollars will look like and estimates are probably conservative.

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

Councilor Kennedy said moving forward the projects will come back on finances and we need to bring numbers for the amount of people and if parking needs to be looked at in the South End that need to be brought forward as well.

C. Presentation from the Blue Ribbon Committee to Reopen Portsmouth 2021 – Mark Stebbins

Mr. Stebbins said the goal is to focus on where they can be most effective and doing a better job this year. He reported permits have started to be accepted as of February 1<sup>st</sup> and we want to get people up and operating on the streets. He spoke to the beautification of concrete barriers and working with the Portsmouth High School on the design and painting of the barriers. He also spoke on installing planters at the top of the barriers and making them uniformed. Mr. Stebbins suggested having a budget of up to \$20,000.00 for working on the barriers.

Councilor Kennedy said at the meeting a figure of \$10,000.00 was discussed for the barriers and not \$20,000.00. She would like to make sure we look at all small businesses and reach out to everyone.

Mr. Stebbins said we reached out and expect to hear back from the businesses. He said the Committee spoke to \$10,000.00 but when speaking to Portsmouth High School we talked about installing planters on the top and thought the amount should be raised to \$20,000.00. Councilor Kennedy asked how many barriers we are expecting. Mr. Stebbins said about 65 barriers.

**Assistant Mayor Splaine moved to appropriate up to \$20,000.00 from the Contingency Fund for the beautification of the barriers and to work with the Portsmouth High School on this project. Seconded by Councilor Tabor.**

Assistant Mayor Splaine said he suggested we decorate the barriers and it is a clean uniformed approach. He encouraged the Committee to come back to the City Council with other investments if they have thoughts or ideas.

Councilor Huda said she expected the amount asked for would be up to \$10,000.00. She said she is having a hard time going back to the same process and subsidizing businesses downtown because most businesses received funding through the CARES Act.

Councilor Tabor said he supports the motion and the \$20,000.00 should be looked at as seed money for long term dining downtown. He said street dining should be treated as an investment.

Councilor McEachern thanked Mr. Stebbins for the work he is doing and would support the motion and funding.

Councilor Lazenby asked if Rule 32 would apply to the motion on the table regarding expenditure of funds. City Attorney Sullivan said that would depend upon sources of funding.

City Manager Conard said the funding source for the \$20,000.00 would be the Contingency Fund. Councilor Huda asked if the City Manager anticipates anywhere else the funds would come from. City Manager Conard said she does not, unless there are CARES Act funding coming forward which is an unknown at this time.

Assistant Mayor Splaine said this is part of the City and not a gift to the downtown. He said having a year round downtown experience outside could be part of the future and bring more vibrancy and that this is an investment for the residents.

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

**Councilor Kennedy moved to suspend the rules in order to take up Item XVII. A. – COVID-19 Vaccinations Status Update by Fire Chief Germain. Seconded by Councilor Trace.**

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

XVII. A. – COVID-19 Vaccinations Status Update by Fire Chief Germain

Fire Chief Germain spoke to the current active COVID cases in the seacoast area and hospitalizations. He reported that there have been 991 people vaccinated in the seacoast area with 700 administered by the Portsmouth Fire Department.

He spoke to providing Mr. Vaccaro with his first shot and how excited he was to receive the first part of the vaccine and his plan after receiving the second shot was to see his grandchildren. However, Mr. Vaccaro passed away before the second shot could be administered.

The City Council thanked Fire Chief Germain and his staff for all their hard work.

Fire Chief Germain thanked Brinn Sullivan for her work on this process as well as Health Officer McNamara.

Councilor Tabor asked for an update on making Portsmouth a vaccination site. Fire Chief German said the State is actively pursuing sites and no decision has been made at this point.

Assistant Mayor Splaine said that staff has handled all of this in an extraordinary way and there will be a lot of heroes from this.

Fire Chief Germain said over the next few weeks opportunities will open up and get better for receiving the vaccination.

Councilor Trace asked if the City could reach out to the State to suggest that it is a missing link in the City without having a site available. Fire Chief Germain said perhaps a letter would help in getting a site and there is much involved in timing for a site. He said he has contacts at the State which he reached out to but they have an entire State to think about but a letter would not hurt.

Councilor Trace asked if City Manager Conard could work on preparing a letter to be sent to the State. City Manager Conard said that she would.

## **IX. PUBLIC COMMENT SESSION**

Matthew Glenn said he was frustrated with the Council's vote to add three electronic crosswalks and that it did not follow a process. He urged the City Council to move forward with the Toole Design for the Middle Street Bike Lanes. He also asked the City Council to move forward with all safety measures proposed by the Parking and Traffic Safety Committee.

Andrew Bagley said we lost Bill Murphy a legendary football coach at Portsmouth High School. He also spoke to the importance of following a process with requests for expenditures for the installation of electronic crosswalks. He said some places that are not in the downtown are sometimes second thoughts, with downtown receiving the priority. He said the funding request should come from Parking and Traffic Safety Committee and the Planning Department for the cross walks. He spoke in support of the cross walk recommended for Madison Street.

Josh Denton announced that PopUp NH has filed for its 501C 3 status. He spoke to his report contained in the Council packet and recommended the use of the Worth Lot for PopUp.

Kelly Shaw said she is pleased with improvements on Middle Road and thanked Public Works Director Rice and Parking Engineer Eby for their work on this matter.

Liza Hewitt spoke in support of the traffic calming plan for Middle Road but would like to see the speed limit lowered.

Janelle Clark spoke in support of traffic calming on Middle Road and is excited for the changes. She also stated her support to lower the speed limit to 35 mph.

Peter Somssich spoke to the traffic increasing on Middle Road into town. He said the Public Works Department listened to the neighborhood and recommended changes for traffic calming.

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

### **Public Hearing on Ordinance**

- A. Public Hearing/Second Reading of Ordinance amending Chapter 1, Article III, Section 1.310 – Zoning Board of Adjustment and Article IV, Section 1.404 – Historic District Commission

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

- **PRESENTATION**

There was no presentation on this ordinance.

- **CITY COUNCIL QUESTIONS**

There were no questions by the City Council.

- **PUBLIC HEARING SPEAKERS**

Andrew Bagley spoke opposed to the ordinance and supports previous comments made by Councilor Lazenby.

After three calls and no further speakers, Mayor Becksted declared the public hearing closed.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

There were no additional City Council questions or deliberations.

**Councilor Kennedy moved to pass second reading and schedule third and final reading at the March 8, 2021 City Council meeting. Seconded by Councilor Huda.**

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

## **XII. MAYOR BECKSTED**

1. Appointments to be Voted:
  - Richard Duddy to the Recreation Board
  - Rebecca O'Brien to the Sustainable Practices Blue Ribbon Committee

**Councilor Kennedy moved to appoint Richard Duddy to the Recreation Board until April 1, 2023 and Rebecca O'Brien to the Sustainable Practices Blue Ribbon Committee until December 31, 2021. Seconded by Councilor Huda.**

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

## **XIII. CITY COUNCIL MEMBERS**

### **A. ASSISTANT MAYOR SPLAINE**

1. City Manager Check-In

**Assistant Mayor Splaine moved to schedule a Work Session on Monday, March 15, 2021 at 6:30 p.m. Seconded by Councilor Lazenby.**

Assistant Mayor Splaine reported that the City Council met with the City Manager for 2 ½ hours and discussed a number of issues. He stated a great deal of time was spent on priorities and goals. He said the Council will meet with City Manager Conard in a public work session and if there is a need to enter into Non-Public Session the Council could do so.

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

### **B. COUNCILOR McEACHERN**

1. Update from the Recreation Board

Councilor McEachern congratulated Todd Henley for being named the new Recreation Director. He spoke to summer programming and said they're largely dependent on what the State will allow us to do. He spoke regarding the indoor pool and how they may find more issues when they start the repairs. He reported that Spinnaker Point HVAC system does not support COVID regulations and they're assessing the issue currently. He advised the Council the Recreation Board is speaking with other facilities regarding an ice hockey arena and he would like the Council to have a presentation on this matter at the next City Council meeting and move forward with an RFQ. Councilor McEachern also spoke in support of Brinn Sullivan and her work at the Senior Center and helping those that needed rides to receive their vaccine.



Councilor McEachern requested the Recreation Board provide presentations regarding Edge Sports Facility and the conversion of two tennis courts into pickle ball courts at the March 8, 2021 City Council meeting.

**C. COUNCILOR WHELAN**

**1. Action Items Needing Approval by City Council:**

- Report Back on recommendations for traffic calming measures for Banfield Road

Councilor Whelan spoke to the traffic calming measures for Banfield Road.

**Councilor Whelan moved to accept and approve the report with additional signage for pedestrian and bicycle crossings on Banfield Road. Seconded by Councilor Kennedy.**

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

- Report Back on recommendations for traffic calming measures for Middle Road

**Councilor Whelan moved to accept and approve the pilot program. Seconded by Councilor Kennedy.**

Councilor Lazenby asked if there were budgetary issues and where in the budget will the funds come from and how does that deal with the matter of electronic crossing voted on at the last meeting. City Manager Conard said there is a phased approach and funds are to come from Capital Outlay.

Parking and Transportation Engineer Eby spoke to the work that would be conducted for the flashing pedestrian walk signals and that funding is available for this project.

Assistant Mayor Splaine asked about the speed limit and said traffic calming is great but he would like to see the speed limit reduced.

Parking and Transportation Engineer Eby said the speed limits would remain at their current level as they would like to see what changes take place with the traffic calming.

Assistant Mayor Splaine said he would support a speed limit of 25 mph and we would need to monitor the effects the changes will make on Middle Road.

Councilor Whelan said we want to see what changes we could make. He said the electronic flashing sign is because we had a hit and run in the area and we need to consider residents.

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



2. Parking & Traffic Safety Action Sheet and Minutes of the February 4, 2021 meeting

**Councilor Kennedy moved to remove the following items from the Parking & Traffic Safety Action Sheet:**

- ***Item 4 – Report back on recommendations for traffic calming measures for South Street, from Lafayette Road to Marcy Street***
- ***Item 10 – Peverly Hill Road Complete Streets project update***
- ***Item 11 – Middle Street bike lanes status update***
- ***Item 12 – Bicycle traffic volumes on Lafayette Road at South Street***

**In addition, removal of Informational items contained in the minutes:**

- ***Item E – Middle Street bike lanes status update***
- ***Item F – Bicycle traffic volumes on Lafayette Road at South Street***

**Seconded by Councilor Huda.**

Councilor McEachern said he would like to figure out a better way of approving the action sheet and minutes. He said we're calling out individual items and eventually we are heading towards becoming Parking and Traffic Safety. He said dealing with each item individually is a risk.

Councilor Whelan said Parking and Traffic Safety approved two major items for traffic calming during their meeting.

Councilor Kennedy said Parking and Traffic Safety is the only committee that we approve the minutes.

Mayor Becksted said this is a stream line process where things are implemented on a temporary basis before becoming permanent by vote of the City Council.

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

**Councilor Kennedy moved to accept and approve the Parking Traffic & Safety Action Sheet excluding items:**

**#4 – Report back on recommendations for traffic calming measures for South Street, from Lafayette Road to Marcy Street**

**#10 – Peverly Hill Road Complete Streets project update**

**#11 – Middle Street bike lanes status update**

**#12 – Bicycle traffic volumes on Lafayette Road at South Street**

**Informational Item E – Middle Street bike lanes status update**

**Information Item F – Bicycle traffic volumes on Lafayette Road at South Street**

**from the Minutes of the February 4, 2021 meeting. Seconded by Councilor Huda.**

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

Mayor Becksted declared a brief recess at 10:18 p.m. At 10:32 p.m., Mayor Becksted called the meeting back to order.

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

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

**D. COUNCILOR LAZENBY**

1. Request for Report Back on Bike/Pedestrian CIP Budget related to request for Electronic Crosswalk Signs

Councilor Lazenby asked City Manager Conard if we know the confirmed amount for the cost of the three signs and where in the budget the funds will come from. City Manager Conard said the cost is approximately \$15,000.00 - \$16,000.00 per sign and we have \$58,000.00 in Capital Outlay from a former Parking and Traffic Safety item and this matter will go before the Parking and Traffic Safety Committee meeting.

Councilor Lazenby asked how we could expend funds without the items being listed on the Council Agenda. He stated Rule 32 would not apply here because it was from a former item already in the budget, but if it was a new item and there were no funds available Rule 32 would come into play.

Mayor Becksted said this could possibly align with COVID funding because more people are walking.

Councilor Kennedy said she researched the costs for a sign and she found one for \$1,249.00 and felt that \$15,000.00 was quite extravagant.

Councilor Tabor said he is concerned with the vote taken at the last meeting for the funding of three electronic crosswalk signs. Mayor Becksted said that this is a safety issue and the Council should be able to take action.

Councilor Lazenby said that this request should have gone through a process.

Councilor McEachern said all the points were raised at the last meeting and it would go before Parking and Traffic Safety to highlight issues of importance. He said if the City Council could point out areas of concerns and place it on Parking and Traffic Safety to move it along.

Mayor Becksted said he would like to have a Work Session or Retreat with staff and City Councilor's to discuss these kind of issues.

2. Request for Report Back on effort and costs to implement Safety Recommendations for Middle Street Bike Lanes

**Councilor Lazenby moved for a report back on efforts and costs to implement safety recommendations on the bike lanes. Seconded by Assistant Mayor Splaine.**

Councilor Kennedy said the City Council did not vote to have a report done by Toole Design and she is not in support of having the review by someone that is not certified in New Hampshire. She said she would like to put the cars back to the curb and install a crosswalk. She said she would also like to have kids go onto Lincoln Avenue with the installation of a crosswalk.

Councilor Huda spoke to the walk through done back in August of the Middle Street area and the bike lanes and said the problems were obvious and residents were being left behind. She said the main purpose of the study was for safety not comfort and kids should be at the top of the list.

Councilor McEachern said the point by Councilor Huda made on safety versus comfort is what we are looking at. He asked how many parking space we would give up for the Lincoln Avenue path. He would like to see an understanding to create elevated bike lanes on Middle Street, an extension of the curb, and bike lanes installed next to the sidewalk. He requested an estimate for that to be able to move forward.

City Manager Conard said Toole Design will look at the cost and she said they are certified in New Hampshire.

Mayor Becksted spoke to Lincoln Avenue being a shared way for Safe Routes to Schools. He said we have a bike lane that ends at Highland Street. He said the largest detriment on the road would be the parked cars. He stated a solution would be to take it from Highland to the tip of Lincoln and eliminate the bike lane from Lincoln to the downtown. He said we need a shared lane to the downtown.

Assistant Mayor Splaine said bike lanes are not just for kids, the idea of bike lanes came forward in 2014 and we are trying to find a way to expand the lanes for all people old or young. He said we need to find a way to make the bike lane on Middle Street better than what currently exists.

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

**E. COUNCILOR KENNEDY**

1. Demolition Committee

Councilor Kennedy said she would encourage the City Council to look at the Demolition Committee. She spoke to the meeting recently held by the Demolition Committee and the lack of public input. She said changes might need to be made to the Committee and have a representative from the Council and that all committees should allow public comment.

Assistant Mayor Splaine said we need to have discussion on this matter. He requested the creation of the Committee and establishment of the ordinance and agrees there was not enough examination on the forming and format of the Committee. He said he would like the City Attorney to provide his thoughts on how the Committee could improve.

Mayor Becksted said we do need to look at this and make modifications to the ordinance.

City Attorney Sullivan said the Committee would make a recommendation to the City Council.

**F. COUNCILOR HUDA**

1. CAFR Projects

Councilor Huda said she reviewed the projects report contained in the CAFR with the report she prepared and there are differences that need to be addressed.

**Councilor Huda moved that the City Manager provide a report or list of unidentified projects per the CAFR FY18, FY19, FY20 Reports as noted on the attached summary schedule.**

- **Various Streets & Sidewalk, Infrastructure, (Unidentified)**
- **Also please provide a list of the name of the projects under General Fund, Water Fund & Sewer Fund where the total given does not add to the detail listing**

**Seconded by Councilor Kennedy.**

Finance Director Belanger advised the City Council that the CAFR is the summary of many projects and a full list of the projects could be provided to the Council. She reported that the MDA's were reviewed and audited and are correct. She explained that an MDA is a narrative position of the CAFR which highlights and are not intended to list all projects.

Councilor McEachern said he is trying to get to the heart of this. He congratulated Finance Director Belanger and the City on the recent budget award. He said Councilor Huda created a report that does not align with staff's and our report has been audited, reviewed and determined to be accurate.

Councilor Huda said she would like to know the projects we have and take it right through funding. She wants to know which projects are going out for bonding and where we currently stand.

Finance Director Belanger explained we only list major events and do not have to include the dollar amounts however, we do provide that information. She said the numbers and table are correct and have been audited.

Councilor Kennedy said they're trying to figure out where the bonds are and what is the status of the bonds.

Councilor Tabor said Councilor Huda took him through numbers and it does not reconcile because it does not have the smaller projects listed.

Councilor McEachern said we need to let staff and the City Manager do their jobs.

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

#### **G. COUNCILOR TRACE**

##### 1. Islington Street Corridor Phase Two (2) Project

**Councilor Trace moved to schedule a Work Session on Monday, March 8<sup>th</sup> at 5:30 p.m. with a Presentation by Juliet Walker Planning Director, Peter Rice Public Works Director, Terry Desmarais City Engineer, and anyone else appropriate regarding Islington Street Corridor Phase Two (2) Project by the City of Portsmouth Planning Department before City Council Vote on CIP. The second phase to continue along Islington Street to Congress Street. The presentation to include also a separation of any Sewer Upgrade/Sewer Separation Figures by Department of Public Works for the figure for Islington Street Corridor Phase Two figure for all other work. Seconded by Councilor Kennedy.**

Councilor Trace spoke opposed to pushing out the Islington Street Corridor Phase Two Project until 2027. She said the neighborhood deserves the same quality of life as other areas of the City and we started this project and need to finish it. She stated she would like to hear from our Public Works Department on the costs of traffic and pedestrian calming along Islington Street.

City Manager Conard suggested holding a work session prior to the March 8<sup>th</sup> City Council meeting.

Councilor Trace said we owe it to the West End residents and asked Planning Director Walker to provide a presentation with Public Works Director Rice and City Engineer Desmarais and anyone else that would have information to provide.

Mayor Becksted said he would like to have the work session begin at 5:30 p.m. prior to the regular meeting.

Councilor Trace said she would like to hear public input from residents during the work session.

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

2. Peirce Island Master Plan

**Councilor Trace moved to schedule a Work Session on Peirce Island Master Plan by City Staff in Cooperation with Peirce Island Committee with input from the Committee and also Recreation Board as appropriate. Seconded by Councilor Kennedy.**

Assistant Mayor Splaine said we need to find ways to work with regions to provide wastewater treatment.

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

#### **XIV. APPROVAL OF GRANTS/DONATIONS**

- A. HealthTrust Wellness Program Reward

**Assistant Mayor Splaine moved to approve and accept the reward as presented. Seconded by Councilor Lazenby.**

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

#### **XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION**

##### **A. CITY MANAGER**

1. Amendment to Water Tank License Agreement Property Located on International Drive

City Manager Conard explained the amendment to the Water Tank License Agreement.

**Councilor Lazenby moved to authorize the City Manager to execute Amendment 1 to the Water Tank License Agreement with DOT in a form substantially similar to the document contained in the City Manager's packet of February 22, 2021. Seconded by Councilor McEachern.**

Councilor McEachern said we would be considering these agreements 60 days prior to expiration.

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

2. 135 Congress Street Temporary Construction License

City Manager Conard reported that the extension runs through October 1, 2021.

**Councilor Tabor moved that the City Manager be authorized to execute and accept the temporary license regarding 135 Congress Street as submitted. Seconded by Councilor Lazenby.**

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

**XVI. CONSENT AGENDA**

- A. Letter from Richard Mason, Veterans Count, requesting permission to hold the Pack & Boots 5K Road Race on Sunday, July 4, 2021 (alternate date October 2, 2021)  
***(Anticipated action – moved to refer to the City Manager with Authority to Act)***

**Councilor Huda moved to adopt the Consent Agenda. Seconded by Councilor Kennedy.**

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

**XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- B. Email Correspondence

**Councilor Kennedy moved to accept and place on file. Seconded by Councilor Huda.**

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

- C. Letter from CJ Fleck, Seacoast Area Bicycle Riders (SABR), requesting Implementing Toole Design recommendations for the Middle Street bike safety project
- D. Letter from Josh Denton, President, PopUp NH Board of Directors, regarding PopUp NH 2020 and 2021 Seasons

**Councilor Kennedy moved to accept and place on file. Seconded by Councilor Huda.**

Councilor Lazenby spoke regarding keeping the items separate from each other and to refer Item D to the Arts and Non-Profit Blue Ribbon Committee with an answer to their proposal.

Councilor Huda said she disagrees with Councilor Lazenby on this matter.

**Councilor McEachern moved to amend the motion and separate out the Letter from Josh Denton President, PopUp NH Board of Directors, regarding PopUp NH 2020 and 2021 Seasons for further discussion and refer the letter to the Arts and Non-Profit Blue Ribbon Committee. Seconded by Councilor Tabor.**

Councilor McEachern said it is reasonable to direct things we receive and forward them to a committee for review. He said with the date getting close, with a great deal of work to be done on this matter, he would like to see the City Council receive a report back from the Arts and Non-Profit Committee.

Councilor Trace said she understands what Councilor's McEachern and Lazenby are looking for, however, we have not received verification that they are recognized by governmental authorities as a non-profit.

Councilor Lazenby said this is a Committee dealing with arts in our community and they are in the process of filing their 501C 3 status. He said the intent of the organization is good.

Councilor Tabor said he would like to see this matter go to the Arts and Non-Profit Blue Ribbon Committee because there are many questions to vet in this letter. He would like to see the Committee receive help from City staff.

Councilor Trace said she understands where Councilor's Lazenby and Tabor are coming from but they never bothered to get their 501C 3 designation. She said she would agree to send this to the Arts and Non-Profit Committee.

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

- C. Letter from CJ Fleck, Seacoast Area Bicycle Riders (SABR), requesting Implementing Toole Design recommendations for the Middle Street bike safety project

**Councilor Huda moved to accept and place the letter on file. Seconded by Assistant Mayor Splaine.**

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

## **XVIII. CITY MANAGER'S INFORMATIONAL ITEMS**

*(There are no items under this section of the agenda this evening)*

## **XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING**



**XX. ADJOURNMENT**

**At 12:30 a.m., Councilor Kennedy moved to adjourn. Seconded by Councilor Huda.**

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

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

KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, JUNE 22, 2020

PORTSMOUTH, NH  
TIME: 6:30PM [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\\_Sg-uYL3KQTgAWtI8QKsi\\_g](https://zoom.us/webinar/register/WN_Sg-uYL3KQTgAWtI8QKsi_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 2020-10, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

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 2020-10 and Emergency Order #12, Section 3. Members location. All votes will be by roll call.

### **I. CALL TO ORDER**

At 6:30 p.m. Mayor Becksted called the meeting to order.

### **II. ROLL CALL**

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

### **III. INVOCATION**

Mayor Becksted asked everyone to join in a moment of silent prayer.

### **IV. PLEDGE OF ALLEGIANCE**

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

**Councilor Kennedy moved to suspend the rules to take up Item XVII. A. – Update from the Citizens Response Task Force and XI. A. – Adoption of Budget Resolutions for Fiscal Year July 1, 2020 through June 30, 2021 (FY21). Seconded by Councilor Huda.**

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

James Petersen and Mark Stebbins provided a status update regarding the work of the Task Force relative to outdoor restaurant seating and the plan for roof top dining at the Foundry Garage. Mr. Stebbins reported that there are currently 22 requests from restaurants to dine outdoors. Discussion followed on the location of barriers and where outdoor dining could be held.

Assistant Mayor Splaine thanked Mr. Petersen and Mr. Stebbins for their work on this matter and spoke to the need for balance with the opening of businesses and the businesses remaining open, to recover financially.

Councilor Kennedy asked about messages from residents. City Manager Conard said the major concern of residents in the downtown is noise.

Mr. Petersen said noise is the number one concern for them and they have the benefit of an acoustic consultant. He stated they plan to spread out the amplification and will adopt similar rules to Prescott Park on when the noise stops.

Councilor Kennedy said she would like to see the financial plan of the group.

Mr. Stebbins advised the City Council that some businesses do not want to be outside. He said they're learning as we move forward and we have reached out as much as possible.

Assistant Mayor Splaine said we have started at a good time and great weather is here but expressed concern regarding the installation of tents and/or coverings.

City Manager Conard said Ann Widman is reviewing the set ups for restaurants and will adapt the needs to the locations.

Mr. Stebbins said they would deal with the issue of tents when the matter comes forward.

Mayor Becksted thanked James and Mark for their work on these matters. He said we need to make sure that comfort levels are considered at this point and stated insurance is a big issue.

Councilor Trace spoke to the CURE restaurant using two smaller temporary tents that are working well for them.

Assistant Mayor Splaine said it is important to remember the retail businesses and their need for parking spaces for customers as well as the restaurants.

## **XI. PUBLIC HEARINGS AND VOTES ON ORDNANCES AND/OR RESOLUTIONS**

### **Adoption of Proposed Budget Resolutions:**

***(Postponed from the June 15, 2020 City Council meeting)***

- A. Adoption of Budget Resolutions for Fiscal Year July 1, 2020 through June 30, 2021 (FY21)

City Manager Conard said the presentation will walk through the budget. She said it reflects and proposes cuts of \$5,734,966.00 with a 50% reduction and a \$.12 reduction on the tax rate. She addressed various reductions that would not affect full or part time employees. She advised the City Council that early retirements will add savings to the School Department. She spoke to reductions to the SIPP budget, Capital Contingency and rolling stock which would create a \$.16 reduction in the budget. City Manager Conard discussed revenues, the housing market, and unemployment rates.

Councilor Trace thanked City Manager Conard for the presentation and asked about the School budget and how it has increased over the last ten years and her disappointment that they could only come forward with a \$20,000.00 reduction.

City Manager Conard spoke to the \$140,000.00 in cuts provided in May by Superintendent Zdravec in addition to the \$20,000.00 being proposed this evening.

Assistant Mayor Splaine said we have come a long way. He said we have seen good changes from departments. He stated that the School Department is the biggest expenditure but it is the biggest responsibility for the City Council. He stated if we approve the budget are we just looking at the bottom line. Assistant Mayor Splaine said City Manager Conard deserves a great deal of credit for her work on this budget.

Councilor Kennedy thanked everyone for their work on the budget. She reviewed items contained in the School budget and the IT budget and suggested removing \$50,000.00 from Informational Technology. Councilor Kennedy stated she is not comfortable double dipping in budgets. Information Technology Manager Brady explained the budget requests. Finance Director Belanger said all the computers are in a roll out program and all the software is listed. She stated printer cartridges are computer supplies. Councilor Kennedy stated there needs to be clarification of titles in the budget.

Councilor McEachern said he has had many conversations with teachers and parents and the School Department needs more support now, and in the coming months. He thanked City Manager Conard for her exemplary work and responses regarding the budget. He thanked the City Council for their work on the budget and said the Council is in the position to pass the budget.

Discussion followed regarding the educational needs in the School Department and funding to ensure children are receiving the proper education as well as creating and making reductions to the budget.

Mayor Becksted thanked City Manager Conard, staff, and Councilor Huda for their work on the budget. He said no one has ever passed a budget during COVID.

Councilor Huda thanked the staff for their work on the budget. She said you all worked diligently on being responsive and looking deeper into department budgets. She asked what the status is on the hiring freeze and CIP expenditures. City Manager Conard said we have a spending freeze on budgets. She said we are weighing every decision in terms of hiring and have kept it to essential personnel. She indicated that she would keep the City Council apprised of all hiring but it would be for essential personnel.

Councilor Kennedy said in order to keep things affordable we need to think about taxes and our tax structure. She said we need to continue to encourage all departments to work on saving money.

## **V. PUBLIC COMMENT SESSION**

Matt Glenn spoke regarding the Middle Street Bike Lanes and said action needs to take place by the Council. He stated we need the bike lanes fully installed and residents feel the delay is because of the City Council.

Jocelyn Philbrook said her daughter was never offered anything to speak on the School Department and their budget. She is not a member of the PTA but appreciates the work they do. She said education is important to her and taxpayers. She stated there are disadvantage kids that need to be considered when approving the funding.

Byron Matto said school education is important and cutting the School Department does not benefit the residents. He said we need to preserve our home values.

Andrew Bagley said teachers are invaluable and they care about the kids they teach.

Cathy Baker said the City Council has worked very hard on this budget. She said you should not be looking for more areas of reductions. She spoke to some communities making large cuts and taxpayers are feeling the pain. She said all the pressure is being put on taxpayers.

Mark Brighton said there has been a certain degree of wizardry and the spending of budgets at the end of the year.

Erica Wygonik said the impact of COVID has been greatly difficult. She said the school community has done their best to educate students at this time. She stated it is not the job of teachers only to educate, we need to work together. Ms. Wygonik said children need help to grow and support. She stated additional cuts from the School Department are going to hurt the most vulnerable students.

- A. Adoption of Budget Resolutions for Fiscal Year July 1, 2020 through June 30, 2021 (FY21)

### Resolution No. 7-2020 – Municipal Fees

Finance Director Belanger advised the City Council that the fees need to be approved before acting on the Resolution for the General Fund.

**Councilor Lazenby moved to adopt Resolution #7 regarding Municipal Fees. Seconded by Councilor McEachern.**

Finance Director Belanger said fees are estimated at \$1.5 million or 1% of the total revenues of the General Fund.

Councilor Tabor reported there are more than 100 separate fees and they were reviewed and discussion took place by the Fee Committee, which recommends the City Council approve the Resolution.

Councilor Kennedy said is there any changes that needed to be made to the fees.

Councilor Huda said changes to parking fees were reviewed and updated. She further stated many fees that were not looked at in the past were reviewed and staff recommended changes.

Councilor Tabor said we preserved free parking on Sunday but switched it from the High Hanover Parking Garage to the Foundry Garage.

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

*Resolution No. 8-2020 – General Fund Expenditures*

**Councilor Huda moved to adopt Resolution #8 – General Fund Expenditures in the amount of \$118,965,338.00 and delay for six months any expenditures related to rolling stock in the General Fund only those deemed critical to safety will come before the City Council for emergency approval and further the City Council freeze for six months any new capital expenditure projects only those deemed critical to safety will come before the City Council for emergency appropriations. Seconded by Councilor Kennedy.**

Councilor Huda said she feels this is a conservative measure and should be approved.

**Councilor Tabor moved to divide the question for the adoption of the resolution. Seconded by Councilor McEachern.**

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

City Attorney Sullivan asked Finance Director Belanger if the proposed motion is workable from her point of view. Finance Director Belanger said freezing the expenditures or rolling stock is the decision of the City Manager.

City Manager Conard said that this is a management decision and would have implications on contracts.

Assistant Mayor Splaine said we need more information on the impact of the motion. He said we need to delay the action on this Resolution until the next City Council meeting.

Councilor McEachern asked if delays to rolling stock will have an impact on services or contracts. He asked if the City Council could direct the City Manager to direct department heads to delay rolling stock after adopting the Resolution.

City Attorney Sullivan said he does not believe the City Council could direct the expenditure of funds.

Finance Director Belanger stated Capital Outlay and Rolling Stock is the City Manager's portion of the budget. She stated if a department requests expenditures they go to the City Manager for approval.

Councilor Kennedy said if it is an emergency it comes to the City Council. She said it is making a statement that we are going to be conservative for the next six months.

Councilor Huda said she agrees with Councilor Kennedy's comments. She said we need to guarantee the money will not be spent until December and only the requests deemed critical would come to the City Council.

Councilor McEachern said it feels like this is getting close to the City Council managing the City Government. He said the City Manager is able and will monitor expenditures.

**Assistant Mayor Splaine moved to table this until the next City Council meeting for a report back from the City Manager and City Attorney on the actual impact and whether we can do this. Seconded by Councilor McEachern.**

City Attorney Sullivan said the question was divided, the first part of the motion is the adoption of the Resolution and the second would be the six month freeze.

*Assistant Mayor Splaine withdrew his motion and Councilor McEachern his second to the motion.*

**Assistant Mayor Splaine moved to adopt Resolution #8 – General Fund Expenditures in the amount of \$118,965,338.00. Seconded by Councilor McEachern.**

Councilor Huda said this would provide more of a cushion.

City Manager Conard said we have cut the Rolling Stock budget by 50% and would report back on items remaining in the \$427,000.00.

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

*Councilor Huda said if we are down to \$427,000.00 she would withdraw her motion and Councilor Kennedy withdrew her second.*

Mayor Becksted asked as we move forward he would like the City Manager to notify the City Council on expenditures and rolling stock. City Manager Conard said we will map out where the expenditures will fall.

<b>Department</b>	<b>Appropriation</b>
General Government	\$20,871,927.00
Police	\$12,152,362.00
Fire	\$9,624,468.00
School	\$52,026,812.00
Collective Bargaining	\$105,000.00
Transfer to Indoor Pool	\$75,000.00
Transfer to Prescott Park	\$99,344.00
Non-Operating	\$24,010,425.00
<b>Total</b>	<b>\$118,965,338.00</b>

The City Council requested City Manager Conard provide a report back on the development of a plan on where the expenditures and revenue allocations fall at the July 13, 2020 City Council meeting.

*Resolution #9-2020 – Annual Sewer Fund Appropriation and Cash Requirements*

**Councilor Lazenby moved to adopt Resolution #9 – Sewer Fund Expenditures. Seconded by Councilor McEachern.**

Mayor Becksted asked if the number has the four cent increase. Finance Director Belanger said that this does not show the rate increase. She indicated if the City Council wanted to see a four cent increase to the rate the Resolution could be amended at this time.

Discussion followed regarding the user rates based on unit consumption.

**Councilor Kennedy moved to amend Resolution #9 the appropriated sum to \$19,301,764.00 to defray expenses for the operations of the sewer system, the cash requirements of \$18,434,445.00 to defray expenses for operations of the sewer system, the sewer user rate effective July 1, 2020 to \$14.32 per unit for the first 10 units of consumption per month, and \$15.75 per unit for all units used thereafter to yield a portion of revenue to meet the cash requirements for the operation of the sewer system. Seconded by Councilor Huda.**

Councilor Kennedy said we don't know the new plant expenses and does not want to see a large increase.

Councilor Whelan said Councilors Kennedy and Huda make good sense, we need to stay the course and follow staff for the best results.



Deputy Public Works Director Goetz said he appreciates the amendment and they will continue to update the City Council as we move forward.

Mayor Becksted informed the City Council he will be abstaining from voting on the Resolution.

**On a roll call vote 7-1, motion passed. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Huda, Tabor, Trace voted in favor. Councilor Lazenby voted opposed. Mayor Becksted abstained.**

- ***Appropriate sum of \$19,301,764.00 to defray expenses for the operations of the sewer system***
- ***Cash requirement of \$18,434,445.00 to defray expenses for the operation of the sewer system***
- ***Sewer user rate effective July 1, 2020 is \$14.32 per unit for the first 10 units of consumption per month, and \$15.75 per unit for all units used thereafter to yield a portion of revenue to meet the cash requirements for the operation of the sewer system***

**Resolution #10-2020 – Annual Water Fund Appropriation and Cash Requirements**

Finance Director Belanger said the rates in the Resolution are based on a zero increase.

**Councilor Kennedy moved to amend the appropriated sum of \$9,022,096.00 with cash requirements to \$9,002,416.00. Seconded by Councilor Huda.**

Councilor Huda asked Deputy Public Works Director Goetz the effect of this change and how much we would need to make up for future years. Deputy Public Works Director Goetz said a 2% increase is projected for this year and 2.5 for future years.

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

**Councilor Kennedy moved to adopt Resolution #10 – Annual Water Fund, as amended. Seconded by Councilor Huda.**

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

- ***Appropriated the sum of \$9,002,416.00 to defray expenses for the operation of the water system***
- ***Cash requirement of \$9,884,655.00 to defray expenses for the of the water system***
- ***Water user rate effective July 1, 2020 is \$4.32 per unit for the first 10 units of water consumed per month, and \$5.20 per unit of all units consumed thereafter to yield a portion of revenue to meet the cash requirements for the operation of the water system***

- **Water irrigation user rate effective July 1, 2020 is \$5.20 per unit for the first 10 units of water consumed per month, \$9.81 for consumption over 10 and up to 20 units consumed, and \$12.11 per unit for all units consumed thereafter to yield a portion of revenue to meet the cash requirements for the operation of the water system**

Resolution #11-2020 – Special Revenues, Debt Service Fund, and Committed Fund Balance for Necessary Expenditures

**Assistant Mayor Splaine moved to adopt Resolution #11 – Special Revenues, Debt Service Fund, and Committee Fund Balance for Necessary Expenditures. Seconded by Councilor Whelan.**

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

Resolution #12-2020 - Investment Policy

**Councilor Lazenby moved to adopt Resolution #12 – Investment Policy. Seconded by Assistant Mayor Splaine.**

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

Mayor Becksted said we just adopted the budget and no jobs were lost.

Assistant Mayor Splaine asked for the total amount of the budget and how much was cut and what the projected tax rate would be.

City Manager Conard announced the projected tax rate would be \$14.70 for a total budget of \$118,965,338.00.

At 9:45 p.m., Mayor Becksted called for a brief recess. At 9:55 p.m. Mayor Becksted called the meeting back to order.

### **XIII. CITY COUNCIL MEMBERS**

#### **A. ASSISTANT MAYOR SPLAINE**

***(Tabled from the June 15, 2020 City Council meeting)***

1. Police Commission

Assistant Mayor Splaine withdrew his item until the July 13, 2020 meeting or one of the two meetings in August (August 3<sup>rd</sup> or August 31<sup>st</sup>).

## **XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION**

### **A. CITY MANAGER CONARD**

1. Report Back on Bluestone Properties of Rye, LLC Request for 135 Congress Street Parking Lease

Councilor Lazenby said there was a motion on the table at the last meeting, which he made and Councilor Tabor seconded.

**Councilor Lazenby moved to authorize the City Manager to negotiate an agreement with Bluestone under which Bluestone would have the use of five (5) parking spaces in the Worth Lot behind 135 Congress Street. As noted in the City Council Agenda packet of May 18, 2020, such an agreement “would need to deal with the numerous types of issues that might arise in 20 years, such as change in parking fees, changes in municipal use of the Worth Lot, assignability of the spaces, and sale or transfer of the Bluestone Property.” Seconded by Councilor Tabor.**

Councilor McEachern said City Manager Conard would negotiate an agreement to allow Bluestone to park in the further lot. He said the City Manager would work with Bluestone and create an arrangement and we would send this to be arbitrated by a judge and we would be denied and Bluestone would look for legal relief.

Mayor Becksted said he is in favor of Option B and he would rather have a judge look at the information. He further stated each spot is worth \$6,000.00 and he does not want to set a precedent.

Councilor McEachern said he appreciates the perspective but putting this forward to a judge is an argument that this is good for the City and saying the project scope is limited. He said that this is something we should honor and allow the City Manager to negotiate directly with Bluestone.

Councilor Trace said the entire parking lot was put together by eminent domain and the City Council needs to be careful that we do not set a precedent. City Attorney Sullivan said if the City makes an agreement with Bluestone it does not create something legally binding.

Councilor Huda said if the City Attorney doesn't feel that this would set a legal precedent but a fairness precedent, would the entire businesses be entitled to come back. City Attorney Sullivan said Bluestone made a legal argument that the City owed them five parking spaces, they're two separate agreements.

Councilor Tabor said fairness is part of this and the five spaces were attached to the building for five years, which creates a claim. He said Bluestone is willing to pay for the spaces with an art venue on the first floor and an area for musicians on the other floor.

Assistant Mayor Splaine said there needs to be an access zone and if there was a park you could make both work with an access zone.

Councilor Kennedy said she is against taking things by eminent domain. She said she finds that we don't document well and things get fuzzy. She said she likes the idea of a court deciding on this issue. She said the lack of information on our part should not be held against the people.

Councilor McEachern said this is a matter for the City Council and not the court. He said the City Council needs to empower the City Manager to discuss these spaces with Bluestone.

Councilor Kennedy asked if this would come back to the City Council.

City Attorney Sullivan said Bluestone is aware if City Manager Conard negotiates an agreement it would come back to the City Council.

Discussion followed regarding negotiations and coming to an agreement.

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

2. Request to Schedule First Reading Re: Omnibus Ordinance Change

**Councilor Whelan moved to postpone any action on the omnibus ordinance change until July 13, 2020 City Council meeting and refer the amendments for Chapter 7 for Stay and Pay to July 9, 2020, Parking and Traffic Safety Committee meeting for further review and revision. Seconded by Councilor Trace.**

Councilor Whelan said he received many calls on the Pay and Stay Program and it was not discussed at Parking and Traffic Safety which is why we are referring it to the July meeting.

Councilor Kennedy said she does not feel this went through protocol. She said one of the streets does not have parking, never had parking, and is a residential street. She is upset this came forward and feels like something was happening and people had no knowledge. She hopes Parking and Traffic Safety understands what this could mean to residents of the South End.

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

**XVI. CONSENT AGENDA**

***(Tabled from the June 15, 2020 City Council meeting)***

- A. Letter from Samantha Boland, National Multiple Sclerosis Society, requesting permission to hold the 2020 Bike MS: New Hampshire Seacoast Escape cycling event on Saturday, August 22, 2020

City Manager Conard announced this event has changed to a virtual platform. No action required.

Letter from JerriAnne Boggis, Black Heritage Trail of New Hampshire, requesting permission to hold the annual Juneteenth Celebration (Not on agenda)

City Manager Conard announced that this event has taken place. No action required.

- C. Letter from Tina Sawtelle, The Music Hall, requesting permission for the closure of Chestnut Street on Saturday, July 11, 2020 for an outdoor dining and concert event in the evening

**Councilor Lazenby moved to refer to the City Manager with Authority to Act. Seconded by Councilor Trace.**

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

- B. Water Services Access Easement for 3110 Lafayette Road

**Councilor Lazenby moved to grant authority for the City Manager to accept the Easement Deed in a form similar to that attached in the June 22, 2020 City Council packet. Seconded by Councilor Whelan.**

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

**XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**  
*(Tabled from the June 15, 2020 City Council meeting)*

- B. Email Correspondence

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

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

- C. Letter from Attorney Derek Durbin, Durbin Law, on behalf of James Gould, requesting the Restoration of Involuntarily Merged Lots at 246 Thornton Street

**Councilor McEachern moved to refer to the Assessor for report back. Seconded by Councilor Lazenby.**

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

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

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

## **XVIII. CITY MANAGER'S INFORMATIONAL ITEMS**

*(Tabled from the June 15, 2020 City Council meeting)*

1. Report back from Parking and Traffic Safety Committee regarding "Recommended Modifications to Middle Street/Lafayette Bike Lanes"

City Manager Conard read from her memorandum regarding this matter. She reported that Planning Director Walker reached out to NHDOT to find out if modifications to substantially change the design of this project would require that the City forfeit those previously awarded federal funds. Planning Director Walker did receive confirmation from the NHDOT staff, who also consulted with Federal Highway Administration staff, which confirmed that the City should expect to have to return that funding should such a change be made.

Mayor Becksted said he has lived the bike lanes for the last 6 years and safety is his concern. He said he would like to return the vehicles to the curb.

**Mayor Becksted moved to return cars to curb and no bollards would be needed and implement a 25mph speed limit and the City Council would deal with grant monies, if necessary. Seconded by Councilor Kennedy.**

Councilor Kennedy said she agrees with Mayor Becksted as someone that has had an accident and her mirror was taken off, she feels it's very narrow and dangerous. She said this was one of her issues that she ran on and supports the members of the community. She questioned why the bike lanes stop and do not go the entire length of the street.

Councilor McEachern said given the time put into this from Parking and Traffic Safety and the trust he has for Captain Newport and Fire Chief Germain he would like to see the changes implemented before action is taken on this matter.

Councilor Lazenby said on June 15<sup>th</sup> the City Council approved the Parking and Traffic Safety action sheet and minutes and by approving the minutes we approved any actions in the minutes for that, true. City Attorney Sullivan said that is correct. Councilor Lazenby said the Council voted to move ahead with these changes. City Attorney Sullivan stated a two-thirds vote is required for the suspension of the rules to allow the action taken which was inconsistent by the prior vote of the City Council.

**Councilor Kennedy moved to suspend the rules to allow the action taken inconsistent with the prior vote of the City Council. Seconded by Councilor Huda.**

Councilor Lazenby said this item was on the agenda as an informational item and no action was suggested. He said it would be fairer for people to know action is coming forward.

Councilor Kennedy said she believed this could happen but we were voting on the minutes.

City Attorney Sullivan said it is a parliamentary rule and the ordinance for Parking and Traffic Safety indicates that accepting the Parking and Traffic Safety minutes it would take action.

Mayor Becksted said he not be voting in favor of Parking and Traffic Safety action sheets and minutes.

Councilor Trace said you will see three councilors not voting to accept the Parking and Traffic Safety action sheets and minutes.

Councilor Tabor said the original study put the cars against the curb and recommended 6 feet for the bike lanes. He said he felt that might be a good solution but when Parking and Traffic Safety took action the other way. He said he went to see Mayor Becksted on this matter and losing the funding and moving forward with the solution was not safe. He stated he feels he has to vote with Parking and Traffic Safety, and that it is not good to be cavalier about this situation.

Councilor Huda said she was not under the impression that we were voting on Parking and Traffic Safety action sheet and minutes. She said we need to look at where the cars are located.

Councilor Kennedy stated that this was a safety issue and asked who at the State we are working with on this matter.

City Manager Conard said we are dealing with Bill Watson at the State.

Planning Director Walker said the bike lane is reviewed by an engineer.

Councilor Whelan said he was the no vote on this matter at Parking and Traffic Safety. He said this was an experiment and we are just spinning our wheels.

Mayor Becksted said this is the only bike lane pattern in the City and the only one in New Hampshire. He said we need to go back and not position the cars off the curb.

Councilor Trace said we need to move the bike lanes to make it safe for the children.

City Manager Conard said if we make any changes we need to return the road to its previous condition.

Planning Director Walker spoke to changes and costs involved for reengineering, restriping, as well as additional costs that would be incurred.

Public Works Director Rice said there is a cost to restore the roadway and if they grind off the paint and repave the roadway it would cost close to \$1,000,000,00.

Discussion followed on the changes that would be required, costs involved, the grant received to fund the installation of the bike lanes, and whether bollards are necessary. Further discussions surrounded revisiting this matter and finding an answer to whether we need to pay the grant funds back to the State. The City Council felt this matter should be reviewed again in the fall.

**On a roll call vote 5-4, motion failed to pass. (*Motion to suspend the rules requires 6 voting members in favor for passage*).**

**XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING**

**XX. ADJOURNMENT**

**At 11:50, p.m. Assistant Mayor Splaine moved to adjourn. Seconded by Councilor Kennedy.**

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



KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK



## CITY COUNCIL MEETING

MUNICIPAL COMPLEX

DATE: WEDNESDAY, JULY 15, 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\\_a73N9fNVRJiFXncMfAMWDg](https://zoom.us/webinar/register/WN_a73N9fNVRJiFXncMfAMWDg) You are required to register in advance to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Please note, this meeting will also be broadcast on the City's YouTube Channel. Public comments for the Council's consideration can be emailed in advance via the City's web site: <https://www.cityofportsmouth.com/citycouncil/contact-all-city-councilors>.

Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-10, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

Mayor Becksted recited that this is a Remote Meeting via Zoom Conference Call. Per NH RSA 91-A:2III (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 2020-10. Section 8, as extended by Executive Order 2020-4, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location. All votes will be by roll call.

This meeting was recessed from Monday, July 13, 2020. Items stricken has been voted upon.

~~I. WORK SESSION – THERE IS NO WORK SESSION THIS EVENING~~

~~II. PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – **POSTPONED**~~

~~III. CALL TO ORDER [7:00 p.m. or thereafter]~~

~~IV. ROLL CALL~~

~~V. INVOCATION~~

~~VI. PLEDGE OF ALLEGIANCE~~

~~VII. ACCEPTANCE OF MINUTES – APRIL 6, 2020~~

~~VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS~~

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

~~X. PUBLIC DIALOGUE SUMMARY [when applicable] – **POSTPONED**~~

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

~~A. First reading of Ordinance amending Chapter 7, Article I, Section 7.102 – Parking Meter Zones; Chapter 7, Article, Section 7.105 – Parking; Chapter 7, Article III, Section 7.324 – Limited Parking – One Hour; Section 7.325 – Limited Parking – Thirty Minutes; Section 7.326 – Limited Parking – Fifteen Minutes, Section 7.327 – Limited Parking – Two Hours, Section 7.328 – Limited Parking – Three Hours, Section 7.328-1 – Utilization of Multiple Parking Spaces; and Section 7.329 – Limited Parking – Four Hours~~

~~B. Third and final reading of Ordinance amending Chapter 7, Article I, Section 7.105 C. – Parking – Motorcycle Parking~~

## ~~XII. MAYOR BECKSTED~~

- ~~1. Appointment to be Considered:
  - Reappointment of Erica Wygonik to the Parking & Traffic Safety Committee as an Alternate~~
- ~~2. \*Islington Street Corridor Project (*Delayed from the June 15, 2020 City Council meeting*)~~

## ~~XIII. CITY COUNCIL MEMBERS~~

### ~~A. ASSISTANT MAYOR SPLAINE & COUNCILOR McEACHERN~~

- ~~1. Resolution for Mandatory Mask/Face Coverings (*Sample motion – move to adopt the Resolution requiring the wearing of facial coverings in the City of Portsmouth*)~~

### ~~B. ASSISTANT MAYOR SPLAINE~~

- ~~1. “Positive Re-Enforcement” for Wearing of Masks/Face Coverings (*Sample motion – move the Portsmouth City Council endorses the concept of ‘positive re-enforcement’ for the wearing of face coverings through a variety of incentives that may be suggested, advocated for, and implemented by City of Portsmouth staff, the Portsmouth Police Department, the Portsmouth Citizen Response Task Force, and the businesses of our community.*~~

~~*We ask the City Manager to consider such concepts in consultation with supportive parties, public and private, during the coming weeks. Funds available from the Federal sources to offset COVID-19 expenses, or which have been allocated to the Portsmouth Citizen Response Task Force, may be used to support such efforts.*~~

~~*The City Manager may consult with staff, members of the Police and Fire Departments, health care professionals, our business community, non-profit arts and cultural organizations, residents, and the Portsmouth Citizen Response Task Force, to come up with measures and ideas to implement ‘positive re-enforcement’ without the use of punitive fines or civil penalties of any kind.*~~

~~*We encourage our businesses, non-profit organizations, city staff and residents to be innovative, inventive, and creative in coming up with proposals for ‘positive re-enforcement’ so that the City of Portsmouth will be considered as the ‘friendly community’ in encouraging the use of face coverings during the current COVID-19 pandemic.”*~~

- ~~2. \*City Manager Evaluation~~
- ~~3. \*Insurance Liability Requirements for Portsmouth Businesses~~

### ~~C. COUNCILOR WHELAN~~

- ~~1. \*Parking, Traffic & Safety Report~~

**D. COUNCILOR LAZENBY**

1. Letter to Governor Sununu regarding New Hampshire Face Covering Mandate

**E. COUNCILOR HUDA & COUNCILOR TABOR**

1. Informational Fee Committee Minutes (No Action Required)

**F. COUNCILOR HUDA**

1. Request a Report regarding Services and/or Projects completed by former City Manager John Bohenko ~~(Sample motion – move to request the City Manager to provide a report to the residents and City Council on the services and/or projects completed by the former City Manager John Bohenko over the 6 month period ending June 30<sup>th</sup> per the agreed upon consultant contract)~~

**G. COUNCILOR TABOR**

1. McIntyre Survey ~~(Sample motion – move that the City Council approve the survey and op ed as finalized by the McIntyre subcommittee and distribute the survey to every home as soon as possible)~~
2. Outdoor Dining Insurance Relief ~~(Sample motion – move to request staff to review city insurance requirements for outdoor dining, currently set at \$3mm for general liability and \$3mm liquor liability, to see if they can be pro-rated for seasonal use and whether they are an excessive burden on restaurants trying to stay open in the pandemic)~~

**H. COUNCILOR TRACE**

1. \*Request a Report Back from Sewer and Water on large rain events & combined sewer overflows ~~(Sample motion – move to request a report back from Sewer and Water on the large rain events and the combined sewer overflows of 10a and 10b along with the overflow and flooding of 13 – Deer Street. Further, how the repair or not of the main sewer pipe under Peirce Island bridge may have played a part. Also, as to the report to the EPA and DES regarding the rain/overflow event)~~

**XIV. APPROVAL OF GRANTS/DONATIONS**

1. Acceptance of Donations to African Burying Ground from Thomas M. Brightman - \$200.00 and Tara E. Tracy \$50.00

Councilor Kennedy moved to approve and accept the donations to the African Burying Ground as listed, seconded by Councilor Tabor.

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

2. Acceptance of Memorial Bench

**Councilor Kennedy moved to accept and approve the donation and grant the City Manager with Authority to Act, seconded by Councilor Huda.**

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

**XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION**

**A. CITY MANAGER CONARD**

**City Manager's Items Which Require Action:**

1. Request to Schedule First Reading Re: Omnibus Ordinance Change

City Manager Conard commented that the current ordinance allows the Parking Traffic and Safety Committee (PTS) to recommend temporary regulations to City Council through their minutes. This is a compilation of what PTS worked on in the previous year. The public and Council have the opportunity to see how the temporary regulations work for a year before adopting. This is a review of all the changes from May 2, 2019 through June 20, 2020. There is also one housekeeping item to remove the 3-hour parking on Daniel St. from the ordinance. It is now a public park.

Councilor Kennedy commented that she would not be supporting this and would like to vote on the residential parking separately. She has received a letter from a resident that commented on how many individuals in the Pickering Sreet neighborhood do not have parking and are longtime residents. These items should be presented individually.

Assistant Mayor Splaine agreed and noted that they should not be endorsing written minutes. These items should go through a normal process.

Councilor McEachern questioned if they could address each item individually now. Councilor Kennedy responded that should not happen tonight. Staff should bring the items to the Council with proper notice and information.

City Manager Conard commented that each change will be heard during the adoption and reading process. This motion would be to just schedule the reading.

Councilor Lazenby commented that the PTS minutes in the packet and the actions on them are taken seriously. When the Council approved the PTS minutes it puts the items into practice until the Omnibus comes around. Now all the changes are compiled to go through as a group for the Council to decide if each item stays or not. It is good to put these items in through the minutes on a temporary basis to see how it works.

Councilor Whelan commented that he would support the motion to move this to the first reading. It is important to get this on the table and let the residents look at it. Changes can be made at the first and second reading.

**Councilor Lazenby moved to schedule the first reading of the Omnibus Ordinance Change, seconded by Councilor Tabor.**

Councilor McEachern noted that he would support the motion. It was important to make changes as feedback comes in.

Councilor Trace noted that she would support this motion moving to first reading but agreed with Councilor Kennedy's comments. A little bit of transparency goes a long way.

Councilor Kennedy commented that putting these items all together for a first reading was inappropriate. Putting everything under the Omnibus Ordinance change is not transparent. The first reading should be clear about what individual items are being discussed.

City Manager Conard noted that the slide shows what the proposed changes are in the ordinance. They are merely following the process.

Mayor Becksted commented that he would not be supporting the motion because meshing all of the items together was unfair to the residents.

Councilor Lazenby noted that the comment about lack of transparency was not an accurate depiction. These items are openly discussed in the Parking Traffic and Safety Committee Meetings with public input. Then they go in front of the Council to approve the minutes and the temporary change is made to see how it works. The final step is now when the Council decides if the changes should become permanent or not. It is a good way to make changes fast and see how things work. There is no lack of transparency. It is all open and available to anyone interested.

Councilor Huda agreed with Councilor Kennedy. There is too much in here and the public deserves to speak on it. She noted that she would not support the motion.

Assistant Mayor Splaine commented that he would not support the motion. It would be clearer if they were itemized.

Councilor Trace commented that after listening to the other Councilors more she has decided to not support the motion.

Councilor Lazenby asked City Attorney Sullivan what would happen if this did not move forward tonight. City Attorney Sullivan responded that if this did not go to the first reading, then any PTS actions at the 1-year deadline would expire. They would go back to the regulations prior to the PTS actions and the ordinance would not progress. If the actions were necessary at a later point in time, then they would need to be brought forward to City Council.

**Councilor Lazenby moved to schedule a first reading of the Annual Omnibus Ordinance at the August 3, 2020 Council meeting, seconded by Councilor Tabor.**

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

## 2. Motor Vehicle Municipal Agent Acceptance

City Manager Conard commented that Nancy Bates has been hired as the new revenue collector and tax collector. City Council is the governing body that must approve her as a municipal agent of the city.

**Councilor Kennedy moved that the City Council appoint Nancy Bates as the Municipal Agent for the City of Portsmouth, seconded by Councilor McEachern.**

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

3. Execution of Deed Restriction to Protect Vernal Pools – Campus Drive

City Manager Conard commented that this was part of the storm water project for the athletic fields. The City agreed to a conservation convenience of the vernal pools in the western area of the property. It was part of the City application and wetland process. The project was granted approval by the Planning Board in October.

Councilor Kennedy questioned if this went to the Conservation Commission for review. City Attorney Sullivan responded that this was a condition established by the Planning Board who refer to the Conservation Commission when necessary. The creation of this restriction satisfies the Planning Board's condition to move ahead with the athletic fields.

City Manager Conard confirmed that this went before the Conservation Commission.

**Councilor Tabor moved that the City Council authorize the City Manager to finalize and execute a Declaration of Restrictive Covenants to satisfy the conditions of the Wetlands Permit and Planning Board approvals to protect the vernal pools, seconded by Councilor Trace.**

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

4. Planning Board Report Back – Paper Street request for Ruth Street

City Manager Conard commented that the Planning Board provided a report back for Ruth Street. At the March 16, 2020 meeting Council considered letters from the property owner and a petition from their lawyer to release interest in a portion of Ruth Street. The Planning Board considered this item at their June 18, 2020 meeting and voted to recommend the release. If the City releases interest additional title research may be required by the interested party to ensure no one else has interest in the property. Staff found no reason to retain interest in this street.

**Councilor Lazenby moved that the City Council release any interest the City may have in the paper street known as Ruth Street to the centerline of where it abuts the properties at 276 Dennett Street (Map 143 Lot 13) and 294 Dennett Street (Map 143 Lot 26), seconded by Councilor McEachern.**

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

5. Release of Reverter for Portsmouth Housing Authority Property

City Manager Conard commented that the Portsmouth Housing Authority has requested the release of the reverter to exchange some but not all of the land covered by the reverter. The Council referred this item to the Planning Board, and it was discussed at their June 18, 2020 meeting. They voted to recommend the release of the partial portion of the lot.

Councilor Huda questioned if the Planning Board report back was included in their packet. City Manager Conard responded that she had a copy of the draft minutes from the June 18, 2020 meeting. The minutes will be approved at the July Planning Board Meeting. The release is for two slivers of land that total 829 square feet and are subject to the reverter. The applicant is requesting that be released from the clause. This project will add 3,302 square feet of land to the existing land in the reverter. The reverter will continue to preserve senior housing and will add work force housing.

Councilor Whelan noted that he questioned Attorney Bosen extensively at the Planning Board Meeting. The release is just for those two slivers of land. Everything else will remain in the reverter.

City Attorney Sullivan noted that he was also at the Planning Board Meeting and reviewed the file and plans. If the Council follows the Planning Board's recommendation to authorize the partial release, he will make sure to work with the Planning Director and go over the documentation carefully to make sure the intentions of the City Council were satisfied.

Councilor Kennedy commented that she was against it because some of the land that was donated and was part of the home for age of women. She asked why the City Attorney has done so much research before this has been voted on, and how they could vote on this item without the Planning Board minutes. City Attorney Sullivan responded that he did all that prior to a vote because there has been an inordinate amount of controversy over a minor real estate transaction. The initial draft did not accomplish what the Council wanted and that was brought to the attention of the Portsmouth Housing Authority.

**Councilor McEachern moved to release the reverter as requested, seconded by Councilor Lazenby.**

Councilor Trace was concerned that they did not have the formal opinion of the Planning Board in writing in the packet. The Council should be waiting for the written opinion of the Planning Board.

City Manager Conard responded she is on the Planning Board and Councilor Whelan is on the Planning Board to be the Council Representative. Planning Board minutes are not typically included in the City Council packet and they're on the Planning Board to report back.

Councilor McEachern understands Councilor Trace's concerns. However, Councilor Whelan and City Manager Conard have reported back what happened at the Planning Board. City Manager Conard has stated that this is a minor real estate transaction. Councilor Whelan questioned Attorney Bosen at the Planning Board meeting. If the Council waited for formal minutes to hear the same thing and delayed this for another month it would not be without a cost to the project. Councilor McEachern commented that he would support the motion.

Councilor Whelan commented that initially there was concern that the reverter would be lifted off the Feaster building. They have gone back through everything and it is clear the Feaster building will be protected. Councilor Whelan urged the Council to approve this request. The legal paperwork has all been done.

Councilor Trace understood the urgency and importance of the project because it will provide work force housing. However, if something is sent to the Planning Board for their opinion, then it should be given to the Council formally in writing.

Assistant Mayor Splaine commented that Councilor Trace had a good point for future opinions, but the Planning Board meeting is taped and can be viewed. The minutes don't encapsulate everything that was said. He commented that it makes sense to pass this now and wondered if Attorney Bosen could comment on this.

**Assistant Mayor Splaine moved to suspend the rules in order to allow Attorney Bosen to speak relative to the Release of Reverter for Portsmouth Housing Authority Property, seconded by Councilor Whelan.**

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

Attorney Bosen commented that the PHA is asking for the release of two slivers of land from the reverter, but they are also adding 3,302 square feet to the reverter. At the end of the day this project is promoting public housing and the intent of the restriction in the deed is to continue elderly housing. It is a win, win for everyone. This is the fourth meeting on this issue and he hoped for the sake of work force housing the Council voted in favor.

Mayor Becksted noted that the reverter was important, and it was not in front of the Council. They were still waiting for the City to craft it. He asked if the Council could see the reverter before it was signed. City Attorney Sullivan confirmed that could happen and questioned if it could be sent to Council for review instead of coming back to a meeting. Mayor Becksted confirmed that was fine.

Councilor Kennedy was concerned about seeing the reverter clause and the Planning Board minutes after casting a vote. This has been through four important meetings. If it had not been reviewed and questioned then, they would have lost land in the reverter. They caught it and brought it up.

Councilor McEachern commented that the Council did not catch that and suggesting that the City Attorney or Planning Department would have caught it undermines the review of a situation like this. It is status quo to send something like this to the Planning Board to have due diligence. Suggesting that requesting the due diligence means that Council caught it undermines how the Planning Board works. The Council should not have to question the work of the Planning Board and City Manager again. It seems like a delaying tactic.

Mayor Becksted agreed with Councilor Kennedy that they did not have all the documentation in front of them. That is the base of the concern. The reverter is a big thing, and they want to make sure that it's being done right.

Councilor Huda commented that in her opinion what was sent to the Planning Board for clarification has not been clarified. It would be nice to have documentation.

Councilor Tabor requested clarification what they were voting on and urged the Council to move ahead. The Planning Board has reviewed this extensively. The result is a new document that will only release 824 square feet from the reverter. The reverter remains in effect for the Feaster building and over 3,000 square feet will be added to it. It was created at a time of urban renewal when elderly residents needed homes. The land is not related to the Parrott Avenue home for woman. It is a different parcel of land. The intention of the reverter was to keep elderly housing and it will continue to do that. The recommendation of the Planning Board was their positive vote. City Manager Conard confirmed the vote to recommend approval from the Planning Board was unanimous. The plan and draft release were included in the Council's packet, so they have all of the information.

Councilor Tabor commented that he would support the motion.



Councilor Lazenby commented that the date, time and result of the Planning Board vote is their written opinion. The action sheet from the June meeting shows the results of that vote. The City needs affordable housing. It is even more urgent as we move into this current economic challenge. There is an urgency to help businesses and it should be the same for residents.

Councilor McEachern asked City Attorney Sullivan if he expected the draft of the partial release of the reverter documented in their packet to change. City Attorney Sullivan responded that the draft would be reviewed to ensure it accomplishes what Council wants.

Assistant Mayor Splaine commented that the Council should not be discouraging the Portsmouth Housing Authority from doing good work. There was some complication with this project and improvements were made. Assistant Mayor Splaine noted that he would support the motion.

Councilor Kennedy requested that the motion be clarified to say how the reverter is being changed. Mayor Becksted agreed it should be more specific.

Councilor Kennedy asked if they could add a measurement to the motion. City Attorney Sullivan confirmed they could amend the motion with a measurement if they wanted.

Councilor McEachern commented that he would not amend the motion because it would be overstepping their bounds. The motion should be kept simple, and the Planning Board did their job.

Councilor Kennedy commented that the motion needed to be that particular to ensure everything stays. Mayor Becksted questioned if that amendment would be acceptable Attorney Bosen. Attorney Bosen confirmed it would.

**Councilor Kennedy moved to amend the motion to release 829 square feet for the reverter, seconded by Councilor Huda.**

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

6. Report Back on Request of Restoration of Involuntary Merged Lot – 246 Thornton Street

City Manager Conard commented that this was review by the Deputy Tax Assessor Verna Sharp. She recommends unmerging the lots involved.

**Councilor McEachern moved to approve the restoration of involuntary merged lot at 246 Thornton Street, seconded by Councilor Lazenby.**

Mayor Becksted questioned if this was reviewed by the Planning Board.

City Attorney Sullivan responded that the former process was to refer these to the Planning Board. That is not required by state law but was done by the City as their own practice. That process became problematic because the Planning Board has its own appeal process. The City made the recommendation that Council should send these to the Assessor's Office. They deal with these issues and are in a good position to provide the Council with information without creating another appeal process. Mayor Becksted clarified that they could still appeal if needed. Attorney Sullivan confirmed that there was an appeal process through the Council.

Mayor Becksted commented that this process should not be streamlined, and it should be referred to the Planning Board. This would prevent another issue like the Thaxter Road request.

Councilor Kennedy agreed this should be sent to the Planning Board because there is a process to appeal. That also gives an opportunity for neighbors to see what is going on and have a conversation about it. The neighbors will be notified if it goes to Planning Board.

Councilor McEachern commented that the summary was pretty clear. The lots were merged sometime before 1972-1983. It is unclear if it was involuntary. There are no records of a request to merge the lots. This process was created in an attempt to avoid conflict with the Planning Board and creating a burden on the property owners. This property did go before the Board of Adjustment, so the neighborhood was able to come out and speak. The Council should not cause undue hardships.

Mayor Becksted commented that they have come here to request unmerging the lots. The Council set a precedent on Thaxter Road. The process needs to be done and needs to clarify that. This comes down to expenditure. There have been examples over the years where it was not involuntary. That separation is at the cost of the taxpayers. He said he would support Councilor Kennedy's motion.

City Manager Conard noted that the recommendation from the Planning Board was ignored by Council last time.

Councilor Tabor asked City Attorney Sullivan if the lots were subject to an involuntary merger then the property owner has the right to correct the error. City Attorney Sullivan confirmed that was correct. The City is required to grant the merger if it was involuntary. The City Council is the committee that grants that. Mayor Becksted wanted further review to avoid what happened on Thaxter Road.

City Assessor Rosann Maurice-Lentz commented that they did a chain of title look up and looked at all the records to make sure the property was not voluntarily merged. She was 100% confident these lots have not been voluntarily merged. The state statute is clear. If the lots were not voluntarily merged, then the property owners have the right to unmerge the lots.

Councilor McEachern commented that in light of the City Assessor's comments, Council has to respect the rights of the property owners. They need to respect the taxpayers' rights, but they also need to support the property owners. It would place undue hardship on the property owner if this was sent to the Planning Board. Councilor McEachern said he would not support the motion.

Mayor Becksted commented that the Thaxter Road application was challenged when it went through the Planning Board process. The process change should have been up to Council. This should go to the Planning Board. That process gives detailed notice to the neighbors.

Councilor McEachern commented that Council changed the process when they ignored the Planning Board recommendation. The new process and the property owner's rights have to be respected.

Councilor Kennedy commented that they needed to respect the property owner's rights and the neighbors. The current process doesn't notify the neighbors. The Planning Board sends out letters to abutters, so people know what is happening. It's the right of the Council to not accept a recommendation.

Councilor Tabor commented that the property owner has the right to have their lots unmerged if they were merged involuntarily. This process is good. The Assessor's Office can make the determination if the lots were voluntarily or involuntarily merged.

City Manager Conard commented that at the June 22, 2020 meeting City Council voted to refer these matters to the Assessor for a report back. Mayor Becksted commented that the process should be that it goes through the Planning Board.

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

**Councilor Kennedy moved to amend the motion to refer both requests XV. A.6. – Report Back on Request of Restoration of Involuntary Merged Lot – 246 Thornton Street & XV. A.7. – Report Back on Request of Restoration of Involuntary Merged Lot – 1240 Islington Street to the Planning Board for review and recommendation. Seconded by Councilor Huda.**

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

*(Main motion does not move forward as the amended motion takes precedent)*

8. Workforce Housing Covenant for West End Yards Project

City Manager Conard commented that in September 2019 this development was granted land use approval for a mixed-use development with retail space, office space, apartments and townhomes. The Planning Board granted the CUP to allow density with the condition that 10% or no less than 27 units need to be work force housing. The work force housing (WFH) covenant provides enforceable price and occupancy and will be for a minimum of 30 years. This is recommended by the Planning Board and Legal Department.

**Councilor Lazenby moved to grant the authority for the City Manager to accept the Workforce Housing Covenant in a form similar to that attached in the City Manager’s Comments dated July 9, 2020, seconded by Assistant Mayor Splaine.**

Councilor Kennedy asked what the affordability amount is right now. City Manager Conard responded that she would look it up.

Councilor Trace commented that the City has received some great benefits with this project. However, going from 54 WFH units to 27 WFH units is a huge decrease. Mayor Becksted noted that it was a trade off with expenditures. The covenant for work force housing is usually for 20 years, but this was increased to 30 years.

Planning Director Walker clarified that the project never proposed 54 affordable units. That is a reference of what could have been required by the Planning Board because they could mandate 20% WFH in exchange for the bonus density incentive. Part of the process with granting a density bonus is the consideration of pros and cons for requiring compliance with the 20%. The Planning Board is allowed to go through that consideration process. The amount that was decided on was 10% or 27 units and an affordability rate of 80% of the area median income. That is one of the ranges within the WFH that is often talked about. The other is 60% median area income, which is referenced in the ordinance. The Planning Board considered the balance of what was feasible for the developer and the overall financial benefit the City would be getting. There was a lot of consideration on the public realm improvements. The Cate Street connector road is the result of this project. They could have built this project without the connector road. A number of other public realm all factored into deciding on 10% WFH housing units.

City Manager Conard commented that 80% income for a 3-person family was \$60,000 and 60% income for a 3 person family was \$50,940.

Councilor Kennedy commented that moving forward with WFH she hoped the Planning Board considered the number of units. \$60,000 is still hard for a lot of people to obtain. Portsmouth still does not have affordable housing for many residents. Moving forward the Planning Board should ask for 20%.

Councilor McEachern agreed with Councilor Kennedy. Portsmouth has one of the highest median incomes in the country. Moving forward they need to hold people accountable for providing affordable housing. They chose to not ask for more and that is disappointing.

Councilor Trace questioned that the proposed monthly rent would be. City Manager Conard responded at 80% it would be \$1,348.00 and 60% would be \$1,116.00.

Councilor Lazenby questioned what would happen if this did not pass. Planning Director Walker responded that if this did not pass, then the developer would need to provide that WFH covenant subject to Planning Board approval. There is no requirement that this covenant has to be held by the City. Staff recommends that the covenant be held by the City because that gives them more control of the content and form of the covenant. It is possible the developer could be in compliance through another entity.

Councilor Lazenby commented that it would be good to hear from the developer on the pricing and the impact to the project if the motion fails.

**Councilor Lazenby moved to suspend the rules to hear from the developer on the project, seconded by Councilor Tabor.**

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

Attorney Bosen commented that it would be catastrophic if the motion failed. This project is a fully approved project and construction has begun. A significant construction loan was recently obtained. Land swaps have been completed with the City for the construction of the public road. If this did not pass it would result in litigation. The borrower would be out of covenant with the lender. The loan requires the completion of 27 WFH units. This is a very carefully thought-out project. It has been vetted by City Staff and peer reviewed. It went through the development process and public realm improvements. The developer could have built up to 325 units of housing and could have put in more affordable units. But instead of that they scaled back to 270 units. There will be 250 apartments and 27 condos. The 27 WFH units will be largest the WFH project in the City that has broken ground. It is not perfect but the 30-year affordability clause is great. It was not feasible to build a greater percentage at less AMI. Attorney Bosen hoped Council could appreciate how difficult it was to get to the point they are at.

Mayor Becksted commented that he watched this project carefully. They had the best presentation explanation of their WFH process. They told the Planning Board exactly what they had to pay and what they needed to get that investment back. He would support the motion. It is not perfect, but 27 units at 30 years is the largest to come through Council.

Councilor McEachern noted that he would also be supporting the motion. He asked City Attorney Sullivan if efforts were made to prevent 10% and 80% median income from becoming a precedent. The state standards are not overly strict, and it should not set a precedent. City Attorney Sullivan

responded that once this is accepted and recorded it becomes the law of this project. A change in the state law would not change this.

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

9. Request for Temporary Construction License for Brick Market Project

City Manager Conard commented that the Planning Board granted site plan approval for the second part of the brick market development in their January 2020 meeting. In April they signed a temporary encumbrance on Penhallow Street and Daniel Street an encumbrance longer than 30 days is subject to Council approval. The proposed duration of Area 1 on Daniel Street is 180 days and Area 2 the four parking spaces on Penhallow Street is 123 days. The total fee for use of the public space \$68,208.00.

**Councilor Lazenby moved to authorize the City Manager execute and accept the temporary construction license regarding 60 Penhallow Street as submitted, seconded by Assistant Mayor Splaine.**

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

**XVI. CONSENT AGENDA**

- A. Request for License to Install a Projecting Sign for owner Deborah LaPointe, LastLooks; for property located at 18 Ladd Street

**Planning Director's Stipulations**

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

**Councilor Kennedy moved to 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, seconded by Councilor Trace.**

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

- B. Acceptance of Donation to the Coalition Fund
- Town of Carroll - \$2,000.00

Councilor Kennedy abstained from the vote because she worked in the district and was also a donator.

**Councilor Lazenby moved to approve and accept the donation, as listed, to be placed in the Coalition Fund, seconded by Councilor Huda.**

**On a unanimous roll call vote 8-0, motion passed. Councilor Kennedy abstained from voting.**

## **XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

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

B. ~~\*Update on the Portsmouth Citizens Response Task Force~~

C. ~~\*Presentation regarding Sagamore Avenue Sewer Extension Project~~

D. Email Correspondence (***Sample motion – move to accept and place on file***)

**Councilor Kennedy moved to accept and place on file, seconded by Councilor Whelan.**

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

E. Letter from Lawrence Yerdon, Strawberry Banke, advising the City Council that Strawberry Banke Museum opened on July 1<sup>st</sup> to visitors and the museum is offering 90-minute tours, on the hour and half-hour, seven days each week through the end of October (***Sample motion – move to accept and place on file***)

**Councilor Kennedy moved to accept and place on file, seconded by Assistant Mayor Splaine.**

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

## **XVIII. CITY MANAGER'S INFORMATIONAL ITEMS**

1. Report Back on Release of Rolling Stock and Capital Items

City Manager Conard commented that this was requested at the June meeting by Councilor Huda. The final approved FY21 for rolling stock and capital items is \$427,500.00 and 1,276,000.00 million respectively.

2. Preliminary Report for September Primary Election

City Manager Conard commented that City Clerk Barnaby has been working on preliminary preparation for the September primary election by outlining the conditions and protocols for the election.

City Clerk Barnaby said she wanted to make sure they were aware of everything that was provided by the Secretary of State's office through grant funding. It would be at no cost to the City for any items they are supplying. Additional items can be requested if needed.

Assistant Mayor Splaine commented that the work on this covered the letter of concern Council received from the Ward 5 elected officials. People should feel comfortable voting on election day. There will be safeguards for voters and officials. People can also vote by absentee. He asked when someone needed to turn their absentee ballot into the City for it to be counted. City Clerk Barnaby responded that absentee ballot applications were available now and they can be requested by calling the office. The post office advised to inform people to allow at least a week for the ballot to reach us and be counted for election. They have to be received through the mail by 5:00 p.m. on election day.

Assistant Mayor Splaine questioned if people could fill out an absentee ballot in the office and hand it in. City Clerk Barnaby responded that would be fine. Assistant Mayor Splaine questioned if a husband or wife could pick up or hand in an application for their spouse. City Clerk Barnaby responded that only the voter them self can pick up their ballot. A direct relative can return a ballot. Detailed instructions will be included in the ballot.

Councilor Lazenby commented that there was concern about the absentee ballots being thrown out because they were turned in too late. The City Clerk has given good guidelines on when they need to be turned in. A lot of people are requesting absentee ballots for the first time because of COVID. It is good to do public outreach on the issue to ensure more votes are counted. City Manager Conard confirmed there would be a press release, it would be posted on the city web site, and a there would be a public advisory. City Clerk Barnaby commented that they were developing a separate web page similar to the COVID web page that will explain the major election points and absentee voting. People can register to vote through the mail as well.

City Clerk Barnaby commented that she met with Ward 5 election officials and discussed the report. They felt more comfortable, and all agreed to work on election day.

#### **XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING**

1. Letter from Tina Sawtelle, The Music Hall requesting permission to hold events every Thursday through Sunday this summer through the end of September (Not on agenda)

City Manager Conard commented that the Music Hall sent a letter to book a series of events on Chestnut Street every Thursday through Sunday from 6:00-10:00 p.m. through September. They are seeking Council approval to allow her to work with the Music Hall on this series.

Councilor Kennedy asked what the time of the events would be. City Manager Conard responded that they would run two 45-minute performances between the hours of 6:00 p.m. and 10:00 p.m.

**Assistant Mayor Splaine moved to refer to the City Manager with Authority to Act, seconded by Councilor Whelan.**

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

1. Requests regarding the Involuntary Merged Lots on 246 Thornton Street and 1240 Islington Street –

Councilor McEachern commented that he voted in the minority on the property involuntary mergers. He asked if someone on the majority motioned to reconsider that would they be able to do so with the power to act and not come back to Council. City Attorney Sullivan confirmed they could.

Assistant Mayor Splaine gave notice that reconsideration of the requests regarding Involuntary Merged Lots will be acted upon at the August 3, 2020 City Council meeting.

2. Face Coverings Ordinance

Assistant Mayor Splaine asked City Attorney Sullivan to give a rereport on the process and next steps on face coverings.

Mayor Becksted commented that they got an email of the report. If the Council sees fit, then they can have a special meeting next week to discuss this.

Assistant Mayor Splaine agreed they should have a meeting next week and thought the Council should pass along their comments to the City Attorney. We need to do this collectively to let the community know that we feel it's important.

Councilor Trace noted that City Staff who would be impacted should be included in the meeting as well. Councilor Kennedy added that the schools should be included as well.

Councilor Lazenby asked if the next step should be first reading. He asked if a first reading could be a work session or if it needed to be a formal meeting. City Attorney Sullivan responded that it needs to be a meeting to act on it. In order for the Council to move quickly the ordinance needs to be in writing at the first meeting. In order for someone to write they need to have an understanding of what the Council wants to see in the ordinance. Councilor Lazenby commented that it would make sense to have a work session. There are a lot of other important stakeholders they want to hear from before they have the City Attorney put anything into the ordinance. Mayor Becksted agreed.

**Councilor Lazenby moved to schedule a Work Session on Wednesday, July 22, 2020 at 7:00 p.m. regarding a Face Coverings Ordinance, seconded by Assistant Mayor Splaine.**

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

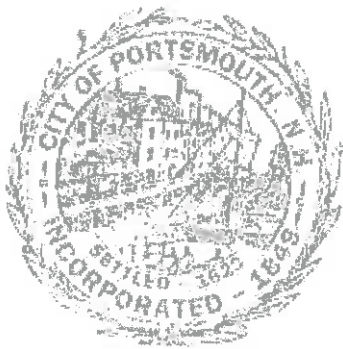
**XX. ADJOURNMENT [at 10:00 p.m. or earlier]**

**At 9:15 p.m., Councilor Kennedy moved to adjourn. Seconded by Councilor Whelan.**

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

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





# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information  
Please submit resume along with this application

**RECEIVED**  
FEB 08 2021  
Renewing applicant  
By \_\_\_\_\_

Committee: Conservation Commission

Name: Samantha Collins Telephone: 603-828-7643

Could you be contacted at work? YES/NO - If so, telephone# \_\_\_\_\_

Street address: 820 Middle Road

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): Samantha.C.Wright@gmail.com

How long have you been a resident of Portsmouth? 8 years +/-

Occupational background:  
owner of Seagate Studio - a home decor design business

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to continue serving: I have loved being on the Commission and helping shape Portsmouth's developmental landscape when it comes to protecting our natural resources.

OVER  
➔

Please list any organizations, groups, or other committees you are involved in:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please list two character references not related to you or city staff members:


*(Portsmouth references preferred)*

1) Carrie Forbes, 4 Laurel Court, Portsmouth 603-209-6894  
Name, address, telephone number

2) ~~Terrence Woodbridge~~, Evan Douglass, 790 Middle Road, Portsmouth  
Name, address, telephone number 603-205-4463

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature:  Date: 2/5/21

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 09-01-2024

Annual Number of Meetings: 12 Number of Meetings Absent: 1

Date of Original Appointment: 5-18-2015

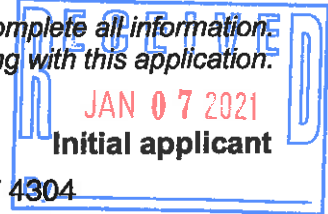
**Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801**



# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

*Instructions: Please print or type and complete all information.  
Please submit resume' along with this application.*



Pierce Island Committee  
Committee: \_\_\_\_\_

Chris Gallot  
Name: \_\_\_\_\_ Telephone: 603 767 4304 \_\_\_\_\_

Could you be contacted at work? YES  NO  If so, telephone# \_\_\_\_\_

10 Fletcher Street Portsmouth, NH 03801  
Street address: \_\_\_\_\_

Mailing address (if different ): \_\_\_\_\_

Email address (for clerk's office communication ): christophergallot@gmail.com \_\_\_\_\_

How long have you been a resident of Portsmouth? 2.5 years \_\_\_\_\_

Occupational background:

I am an Architect and have worked in various industries in my career. I  
have experience with site planning, environmental design and other  
areas that may be suited to this committee.

Please list experience you have in respect to this Board/Commission:

I have experience with master planning, community planning, environmental planning.

I have been an active user of the amenities on Pierce Island for years.

I care deeply about our city and look forward to bringing my knowledge and  
enthusiasm to the committee.



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES  NO

Would you be able to commit to attending all meetings? YES  NO

Reasons for wishing to serve: \_\_\_\_\_

I care deeply about our community and the environment. Pierce Island is an incredible place that has undergone substantial changes in its history and especially in the past 10 years. As the island grows and recovers from the most recent disturbances I am excited to bring my experience to the committee to help ensure the continued growth is effective, responsible, inclusive and EXCITING

\_\_\_\_\_

\_\_\_\_\_

Please list any organizations, groups, or other committees you are involved in:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

1) Devan Quinn, 199 Gates Street, 603 475 3059

Name, address, telephone number

Mark Broderick, 70 Sims Avenue, 617 365 1339

2) \_\_\_\_\_

Name, address, telephone number

**BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:**

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3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: \_\_\_\_\_

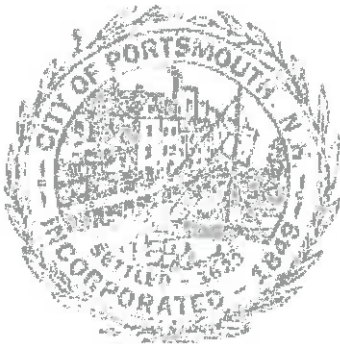
1/7/2020

Date: \_\_\_\_\_

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes<sup>X</sup> No

**Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801**

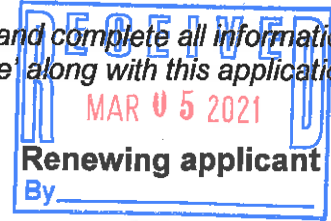
6/27/2012



# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information  
Please submit resume along with this application



Committee: Portsmouth Housing Authority

Name: Thomas G. Ferrini Telephone: 603-312-5882

Could you be contacted at work?  YES  NO - If so, telephone # 603-742-5222

Street address: 69 Taft Road, Portsmouth, NH 03801

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): tgferrini@wbtlaw.com

How long have you been a resident of Portsmouth? my entire life, with limited absences.

Occupational background:

Attorney  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Would you be able to commit to attending all meetings?  YES  NO

Reasons for wishing to continue serving: I have appreciated the opportunity to serve. I wish to continue to lead and help the organization with significant issues such as COVID and workforce housing.

We want our residents to have the best experience possible!



Please list any organizations, groups, or other committees you are involved in:

See attached C.V.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

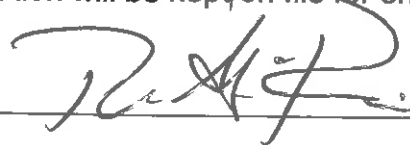
Please list two character references not related to you or city staff members:  
(Portsmouth references preferred)

1) Ruth L. Griffin, 479 Richards Avenue, Portsmouth, NH  
Name, address, telephone number 603-436-5272

2) William Gurn, 71 Taft Road, Portsmouth NH  
Name, address, telephone number 603-834-1717

**BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:**

1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature:  Date: 3/4/21

**CITY CLERK INFORMATION ONLY:**

New Term Expiration Date: 4-1-2026

Annual Number of Meetings: 11 (2020) Number of Meetings Absent: 1

Date of Original Appointment: 2-1-2016

**Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801**

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69 Taft Road • Portsmouth, NH 03801 • W: (603) 742-5222 • C: (603) 312-5882 • [tgferrini@wbtlaw.com](mailto:tgferrini@wbtlaw.com)

**Multidimensional Attorney and Community Leader with extensive proven capability in the following areas:**

- Risk management
- Business, injury and workers' compensation litigation
- Employment litigation
- Public sector budgeting and finance
- Strategic management
- Leadership with community stakeholders
- Financial/organization strategy
- Broad legal knowledge of governmental agencies, regulation, labor and business practices

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**LEGAL EXPERIENCE**

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**Shareholder, Wyskiel, Boc, Tillinghast & Bolduc, P.A., Dover, NH** **Current**

Attorney who grasps implications of critical and multilayered legal issues. Effective at strategizing and creating action plans for large cases to maximize client success. Effective at creating matrix of experts suited to particular cases.

For more than thirty years provided legal representation to businesses and individual clients. Focused representation and responsiveness with creative solutions to client's legal challenges.

- Business representation as an advisor, litigation in the courts and state and federal agencies
- Considerable experience in insurance law and risk management
- Injury, employment and workers' compensation litigation
- Member, Inns of Court – Charles C. Doe Chapter

**Mittelholzer, Ferrini & Dibble, P.A. (and predecessors), Dover, NH** **1996-2003**  
**Attorney**

- Business insurance carrier representation and litigation
- Injury and workers' compensation representation

**Ouellette, Hallisey, Dibble & Tanguay, P.A., Dover, NH** **1992-1996**  
**Associate Attorney**

- Business and insurance claim representation
- Insurance defense practice in variety of litigation

**Sizemoore Professional Association** **1991**  
**Associate Attorney**

**Joseph A. Ritzo, PC** **1989-1991**  
**Associate Attorney**

## COMMUNITY LEADERSHIP

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<b>Chairman, Board of Commissioners, Portsmouth Housing Authority</b>	Current
<b>Board Member, Portsmouth Housing Development LTD.</b>	Current
<b>Treasurer, Board of Directors, Pease Development Authority</b>	Current
<b>Advisory Board, Great Bay Community College</b>	Current
<b>Committee Member, Great Bay Community College Presidential Search Committee</b>	Current

Past Mayor, City of Portsmouth, NH  
Past Assistant Mayor, City of Portsmouth, NH  
Past City Councilor, City of Portsmouth, NH  
~~Past~~ Chairman, Portsmouth Economic Development Commission  
Past Planning Board Member  
Elected to two terms as Ward 4 Moderator, Portsmouth  
Past Member, Board of Directors-Ballet of New England  
Past Member, Board of Trustees-Great Bay Services  
Past Chairman, United Way of Strafford County  
Past Member, Rotary Clubs of Dover and Portsmouth

### State of New Hampshire Commissions

Twice appointed to duties as a Commissioner by Governor Lynch. Was appointed to the Gaming Study Commission, which performed a comprehensive, well-received analysis of the pros and cons of gaming in New Hampshire. Appointed the Chairman of the Gaming Regulatory Oversight Authority charged with developing a licensing, regulatory and enforcement model should the legislature have passed a gaming bill. The Commission heard substantial technical information on how to license, implement and regulate gaming and made its recommendation to the Executive Council.

## AWARDS

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Eileen D. Foley Humanitarian Award  
Friends Forever, Portsmouth

## BAR ADMISSIONS

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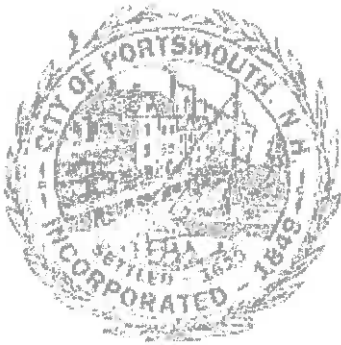
New Hampshire	1989
Massachusetts and Vermont	2019

## EDUCATION

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BA, History, Cum Laude, University of New Hampshire, Durham, NH	1980
JD, Vermont Law School, South Royalton, VT	1988

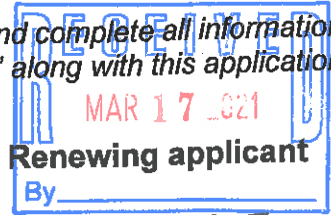




# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information  
Please submit resume' along with this application



Committee: CITY OF PORTSMOUTH RECREATION BOARD

Name: CARL F. DIEMER Telephone: (603)-427-4517

Could you be contacted at work?  YES  NO - If so, telephone# (603)-427-4517

Street address: 337 ALDRICH ROAD, PORTSMOUTH, N.H. 03801

Mailing address (if different): SAME AS ABOVE

Email address (for clerk's office communication): CDIEMER337@COMCAST.NET

How long have you been a resident of Portsmouth? 39 YEARS

Occupational background:

BUSINESS DEVELOPER AND CONSULTING

Would you be able to commit to attending all meetings?  YES  NO

Reasons for wishing to continue serving: I AM COMMITTED TO CONTINUE IMPROVING RECREATIONAL ACTIVITIES AND ATHLETIC SPORTS PROGRAMS, I HOPE TO CONTRIBUTE TO IMPROVING RECREATIONAL ASSETS SO AS TO ACCOMMODATE ALL THE RESIDENTS OF THE CITY



Please list any organizations, groups, or other committees you are involved in:

PORTSMOUTH ELKS LODGE #97  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

1) JONATHAN BOCK, SWEET AVE, PORTSMOUTH, NH. (603)-502-2261  
Name, address, telephone number

2) JOHN BOHENKO<sup>350</sup>, F.W. HARTFORD DR, PORTSMOUTH, NH. (603)-498-4180  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature:  Date: 3/16/21

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 4/1/2029

Annual Number of Meetings: 5 (2020) Number of Meetings Absent: 0

Date of Original Appointment: 1/27/2000

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801



# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information  
Please submit resume' along with this application



Committee: RECREATION BOARD

Name: KATHRYN R LYNCH Telephone: 603-396-8651

Could you be contacted at work? YES/NO - If so, telephone# NA

Street address: 3 BOYAN PLACE PORTSMOUTH NH 03801

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): kathrynlynch@hotmail.com

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

Occupational background:

Retired RN following career of university teaching and staff work in hospitals  
Long time president Portsmouth Little League

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to continue serving: The Recreation Board has unfinished  
business regarding outdoor field construction/use and improvements to  
outdoor pool. We have begun to investigate public/private partnerships  
for enhancing recreational/athletic opportunities that I'd like to  
see to fruition.



Please list any organizations, groups, or other committees you are involved in:

PORTSMOUTH LITTLE LEAGUE

BLUE RIBBON COMMITTEE on HEALTH (pandemic related)

YARNOLD TRUST trustee for HEALTH CARE SCHOLARSHIPS

NH DISTRICT II LITTLE LEAGUE ADMINISTRATOR

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

1) TOM DECKER 182 RICHARDS AVE PORTSMOUTH NH 603-433-8098  
Name, address, telephone number

2) JEANNIE CURRIER 247 CASS ST PORTSMOUTH NH 603-433-2283  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: Kathryn Lee Date: 2/18/2021

**CITY CLERK INFORMATION ONLY:**

New Term Expiration Date: 4-1-2024

Annual Number of Meetings: 5 (2020) Number of Meetings Absent: 0

Date of Original Appointment: 4-7-2014

**Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801**



# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information.  
Please submit resume' along with this application.

Committee: RECREATION BOARD Initial applicant

Name: ROBERT W. BOGARDUS Telephone: (508)-728-7999

Could you be contacted at work? YES/NO If so, telephone # \_\_\_\_\_

Street address: 26 PARK ST.

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): R. BOGARDUS3@GMAIL.COM

How long have you been a resident of Portsmouth? 6 YEARS

Occupational background:

TECHNOLOGY SALES - REGIONAL MGR.

Please list experience you have in respect to this Board/Commission:

FORMER: WRENTHAM<sup>MA.</sup> RECREATION BOARD + CHAIRMAN

HEAVILY INVOLVED YOUTH SPORTS: COACH + PRESIDENT

WRENTHAM<sup>MA.</sup> YOUTH BASEBALL/SOCCER ORGANIZATION

WORTH NOTING: FORMER TOWN OF WRENTHAM

ELECTED (BOARD OF HEALTH) MEMBER + CHAIRMAN

OVER  
➔

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to serve: PART OF MY "GIVE BACK" FOR ALL MY GOOD FORTUNES!

Please list any organizations, groups, or other committees you are involved in:

DULL MEN'S COFFEE (SR CTL)
MEN'S COFFEE (NEW CASTLE GROUP)

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

- 1) DAVE UNDERHILL / 115 PINEHURST RD. / PORTSMOUTH NH 03801
Name, address, telephone number (603)-706-3143
2) PICK WHITE / PO BOX 403 / NEW CASTLE NH 03854
Name, address, telephone number (603)-498-9214

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

- 1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: RW Bogardus Date: 11/23/2020

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes X No



# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information.  
Please submit resume' along with this application.



Committee: Sustainable Practices Blue Ribbon Committee

Name: Aubrey Gewehr Telephone: 603-828-5250

Could you be contacted at work? YES  NO  If so, telephone# 603-828-5250

Street address: 255 Cass St. Portsmouth, NH 03801

Mailing address (if different ): Same

Email address (for clerk's office communication ): agewehr@gmail.com

How long have you been a resident of Portsmouth? 14 Years

Occupational background:

I am a NH licensed professional mechanical engineer who works in the sustainable building field. I work on many projects that are designed and built to minimize building energy usage. My work experience is very pertinent to the work of the board.

Please list experience you have in respect to this Board/Commission:

I have been attending the meetings in 2021 to familiarize myself with the work of the committee.

➔ OVER

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES  NO

Would you be able to commit to attending all meetings? YES  NO

Reasons for wishing to serve: \_\_\_\_\_

I have a strong interest in sustainable practices and minimizing energy usage.

Please list any organizations, groups, or other committees you are involved in:

Northeast Sustainable Energy Association (NESEA),

~~North American Passive House Association (NAPHN)~~

American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE)

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

1) James Petersen, 335 Maplewood Ave, Portsmouth, NH 603-380-5767

Name, address, telephone number

2) Lew Harriman, 57 South St, Portsmouth, NH 603-828-7138

Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: \_\_\_\_\_

Date: 2/26/2021

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes  No

Please submit application to the City Clerks Office, 1 Jenkins Avenue, Portsmouth, NH 03801

6/27/2012



March 17, 2021

**Proposed City Council Rule regarding transparency of City Council actions:**

***Sample Motion - Move to adopt, as part of the Revised Rules & Orders of the Portsmouth City Council,***

**Rule 48. MOTIONS TO BE GERMANE TO AGENDA**

***No Member of the City Council shall make any motion at a City Council meeting except those motions which logically relate to an item contained in the written Agenda. To make a motion not logically related to an item contained in the written Agenda, the City Council would first need to vote by a two-thirds majority to suspend this rule.***

Submitted by:  
City Councilor Lazenby

President  
Joe Buscaino  
Councilmember  
Los Angeles, California

First Vice President  
Kathy Maness  
Councilmember  
Lexington, South Carolina

Second Vice President  
Vince Williams  
Mayor  
Union City, Georgia

Immediate Past President  
Karen Freeman-Wilson  
Mayor  
Gary, Indiana

Chief Executive Officer/  
Executive Director  
Clarence E. Anthony

## 2021 Leadership in Community Resilience Grant Program Memorandum of Understanding (MOU)

The City of Portsmouth, NH has been selected by the National League of Cities (NLC) to join the 2021 Leadership in Community Resilience program (LCR).<sup>1</sup>

The public sector is increasingly embracing a holistic resilience approach as a proactive framework to reduce risk, protect frontline communities from disproportionate harm, and improve public services. The purpose of the LCR program is to develop and advance the emerging city-level models for pursuing resilience objectives, and foster partnerships with community-based organizations. Your project is one of eight selected to participate in the 2021 LCR cohort, and the NLC team looks forward to supporting your city, the surrounding region, and your community partners. The program includes three main components:

**Policy and Practice Exchange:** Each month, NLC staff will spend time with your team to discuss and plan your project. NLC will also host quarterly calls or webinars which will allow you to discuss your goals and solicit feedback from the other participants in the group, gain knowledge and expertise in urban resilience issues, and connect you to outside expertise and national/local partners who may be able to provide additional no or low-cost services.

**Grant in the amount of \$10,000** to support your project including all related engagement and capacity building activities. Funding may be used towards equitable resident engagement, trainings and workshops for residents, staff, elected officials, or project implementation in support of your scope of work. NLC staff are available to help you formulate the scope of the event(s), document the project, introduce new partners or collaborators if needed, and promote events and outcomes through NLC and external media outlets if desired.

**New research, leadership training, and education materials:** The lessons learned and case studies from this program will be collected to share with other cities across the country. At the conclusion of the program, lessons from project case studies will be curated into a written report as well as workshop curricula for in-person conferences.

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<sup>1</sup> This program is supported by the National Fish and Wildlife Foundation.

## Roles and Responsibilities

### NLC will:

- Engage regularly with your team and offer partnership opportunities (including the Resilient Cities Network), resources, and other services as needed or desired.
- Host quarterly webinars and calls to facilitate network connectivity and foster peer learning.
- Provide insights and lessons learned from previous cohort cities and from case studies across the US.
- Provide \$10,000 in grant funding to support the proposed project and help identify any other new funding opportunities.

### The City of Portsmouth will:

- Designate a lead point of contact responsible for corresponding with NLC staff throughout the technical assistance period.
- Act as a peer resource to other 2021 cohort cities.
- Participate fully in quarterly cohort webinars or calls, as well as individual technical assistance calls.
- Use \$10,000 in grant funding provided by the NLC towards capacity building activities and project implementation including (but not limited to):
  - Workshops, trainings, events for residents, city staff or elected officials
  - Engagement strategies with historically underrepresented communities
  - Other costs associated with project coordination and implementation including materials
- Provide a one-page summary report upon conclusion of the grant on the quantifiable as well as the less tangible outcomes of the program, lessons learned by your team, and recommendations that will aid future work in this area.
- Respond to a satisfaction survey on the program's effectiveness and ways we can improve our services in the future.

## Endorsement and Points of Contact

**By signing below, the City of Portsmouth agrees to the roles and responsibilities for participation in the 2021 Leadership in Community Resilience cohort.**

1. Mayor, City Manager, or another Senior Executive:

Signed: **Karen Conard**

Title: **City Manager**  
Email address: [kconard@cityofportsmouth.com](mailto:kconard@cityofportsmouth.com)  
Phone number: **(603)610-7202**

2. Lead point of contact:

Signed: **Peter Britz**

Title: **Environmental Planner/Sustainability Coordinator**  
Email address: [plbritz@cityofportsmouth.com](mailto:plbritz@cityofportsmouth.com)  
Phone number: (603)610-7215

**By accepting this grant, both NLC and the City of Portsmouth agree to the roles and responsibilities enumerated above.**

Cooper Martin  
Program Director, Sustainability  
National League of Cities



Karen S. Conard  
City Manager

## CITY OF PORTSMOUTH

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

**Date:** March 18, 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 March 22, 2021

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### ***XIV. Approval of Grants/Donations:***

#### **A. Approval of National League of Cities Grant - \$10,000:**

The National League of Cities (NLC), an advocacy organization supporting cities, towns, and villages across the United States, announced eight new cities, including the City of Portsmouth, for the Leadership in Community Resilience program. This program has awarded the City \$10,000 in direct financial support, as well as technical assistance and advisory services from NLC staff and partners, to help Portsmouth meet community-specific resiliency goals.

These grant funds were applied for and will be administered by the Coastal Adaptation workgroup and the Great Bay Stewards. Proposals detailing resiliency challenges in the community and proposed projects that could support local capacity building activities were prepared in consideration for this grant program. In particular, this project will highlight some of the resilience efforts completed by Portsmouth and other communities in Seacoast, NH from which the Coastal Adaptation Workgroup will develop a guide for the region to assist communities in their coastal resilience efforts.

A Memorandum of Understanding (MOU) is required by NLC in order for the City to accept the award, and allow the grant money to go to the Coastal Adaptation workgroup and the Great Bay Stewards. Although the funds are not being directly received by the City, these grant funds will still need formal acceptance by the City Council, along with the [attached MOU](#).

*I recommend that the City Council move to authorize the City Manager to execute the Memorandum of Understanding with the National League of Cities as presented, and accept the grant funds in the amount of \$10,000.*

## *XV. City Manager's Items which Require Action:*

### 1. **Adoption of Proposed Capital Improvement Plan:**

In accordance with Section 7.7 of the City Charter, the City Council is reconvening a public hearing at this evening's City Council meeting regarding the [proposed Capital Improvement Plan for FY 2022 – FY 2027](#). In addition to this evening's public hearing, the City Council held a work session on January 13, 2021 and opened the public hearing on February 8, 2021. At the work session, the proposed CIP was presented by City staff. The public hearing was closed at the March 15, 2021 City Council meeting.

The City Council is required, in accordance with Section 7.8 of the City Charter, to adopt the Capital Plan subsequent to the public hearing and before the City Manager submits the budget to the City Council. It is anticipated the proposed FY 2022 budget will be transmitted on or about April 24, 2021.

*I recommend that the City Council move to adopt the Capital Improvement Plan as presented.*

### 2. **Peverly Hill Road Complete Street Project Public Comment Summary and Request for Public Necessity Hearing:**

City staff held a public meeting on the [Peverly Hill Road Complete Street Project on February 17, 2021](#). The purpose of the meeting was to present the Preliminary Design plans, incorporating the changes made to the plans based on the comments received from the public at the last meeting in March 2019. Attendees were also informed of the need for easements from several landowners necessary to construct the project. Comments and feedback were requested from residents so that the City could determine the level of support for the project and the next step of starting the right-of-way (ROW) acquisition process.

The meeting included a total of 47 participants, of which 37 were public citizens, 7 were City staff/project consultants, and 3 were City Councilors. The following [summarizes the comments and concerns](#) received during the meeting, as well as the period through February 26:

- What are the impacts on the project from the planned residential project adjacent to the cemetery?
- How long will the actual project construction last?
- How will trucks be able to navigate the narrowed roadway lane widths?
- How many trees will be removed and what types of trees will be planted under the power lines?
- What is the cost to relocate the utility poles and where will they be placed?
- Will the gravel wetland on Greenleaf Avenue be located 9 feet above the creek flood level?
- What happens to oil and debris in the gravel wetland when it overflows?
- What can be done about drainage problems on Greenleaf Avenue, and will the construction damage the trees on the street?
- Can the entire bike path be narrowed to 8 feet?
- Will residents receive advance notification of construction impacts on their property?

- Will my driveway width still allow me to use it as I need and desire?
- How will mail and delivery vehicles pull over with a narrow and curbed roadway?
- How and where will snow be removed and placed?
- Will serious cyclists actually use the bike path, if it means having to cross the road twice?
- Can the on-street bike lane going up the hill between Banfield Road and the DPW driveway be widened?
- Can truck use on Peverly Hill Road be restricted?
- Will the proposed drainage area at the corner of Moffat Street be fenced and/or cleaned of debris regularly?
- Wetland and buffer impacts should be minimized.
- Can a ramp onto the bike path be provided at the Greenleaf Avenue intersection?
- Will flashing beacons be installed at the crosswalks?

While there were concerns regarding wetland impacts and the width of the bike lane and roadway, there have not been any comments regarding an unwillingness to work with the City to provide the easements necessary for the project. Therefore, staff recommends that the project proceed as designed, submitting the Preliminary Design plans to NHDOT for review and approval, obtaining NEPA clearance, and holding a public necessity hearing to begin the ROW acquisition process. The comments that have been received can be addressed during the Final Design and ROW process.

*I recommend that the City Council move to schedule a public necessity hearing on April 5, 2021 during the regular City Council meeting to establish the right-of-way needs for the Peverly Hill Road Complete Street Project.*

3. **Resolutions to Opt-In to the Great Bay Total Nitrogen General Permit and Draft Intermunicipal Agreement:**

I am requesting City Council action on two resolutions this evening. The first resolution addresses the City’s need to make a decision by April 1, 2021 to opt-in to the Great Bay Total Nitrogen General Permit (“General Permit”). The second resolution addresses the opportunity to opt-in to an Intermunicipal Agreement with other impacted communities to coordinate and implement certain aspects of the General Permit. A public meeting was held on this topic on Thursday March 11, 2021, which is available for the public to view on the [City’s Youtube channel](#).

Great Bay Total Nitrogen General Permit

The Great Bay Total Nitrogen General Permit (“General Permit”) was issued on November 24, 2020. It became effective February 1, 2021. The General Permit and further information can be found on the Environmental Protection Agency’s website at this link: <https://www.epa.gov/npdes-permits/great-bay-total-nitrogen-general-permit>

The General Permit is an opt-in permit; the opt-in election date is April 1, 2021. Permittees that do not elect to opt-in will be issued individual permits for their plants requiring limits of technology for nitrogen removal.

It is in the best interest of the City to opt-in because individually issued permits with nitrogen limits set at the limit of technology would result in the Pease WWTF being in non-compliance. Rochester, Dover and Newington have already voted to opt-in and other towns and cities have also indicated they are anticipating opting in.

A resolution to opt-in to the General Permit, for consideration by the City Council this evening is [attached](#).

#### Intermunicipal Agreement for Adaptive Management

In order to accomplish the adaptive management plan and other tasks described in Part Three of the General Permit, an [Intermunicipal Agreement has been drafted](#) to facilitate the coordination and cost-sharing of that work among the regulated communities. The New Hampshire Attorney General's office has approved the form of the Agreement. The Cities of Dover and Rochester have already voted to enter into the Intermunicipal Agreement along with the Town of Newington.

In response to concerns by Councilor Kennedy at the March 11<sup>th</sup> public meeting regarding transparency and participation, the proposed Resolution has been revised to specifically direct the City Manager to address those items either by working with the communities that have already entered into the Agreement to amend it and/or to make a separate commitment involving the members of the Executive Board. Both Dover and Rochester have indicated that they are amenable to additional transparency and participation.

A revised resolution to enter into the Intermunicipal Agreement, for consideration by the City Council this evening is [attached](#).

*I recommend that the City Council move to adopt the Resolution entitled, "Approval to Submit a Notice of Intent to Obtain Coverage under the Great Bay Total Nitrogen General Permit" and the Revised Resolution entitled, "Approval to Enter an Intermunicipal Agreement for Development of an Adaptive Water Quality Management Plan for Great Bay Estuary."*

## ***XVI. Consent Agenda:***

### **A. Projecting Sign License – 66 Marcy Street:**

Permission is being sought to install a projecting sign at [66 Marcy Street](#) that extends over the public right of way, as follows:

Sign dimensions: 42" x 30"

Sign area: 8.75 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 – 22 Market Square Unit 1:**

Permission is being sought to install a projecting sign at [22 Market Square Unit 1](#) that extends over the public right of way, as follows:

Sign dimensions: 6' x 4.5'

Sign area: 27 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.*

**C. Projecting Sign License – 70 Congress Street:**

Permission is being sought to install a projecting sign at [70 Congress Street](#) that extends over the public right of way, as follows:

Sign dimensions: 41.75" x 40"

Sign area: 11.6 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.

### *XVIII. City Manager's Informational Items:*

1. **Report Back on CIP and Bonding Process as Requested by Councilor Huda at the 3/15/2021 Council Meeting:**

Please find [attached a report back](#) regarding the CIP and bonding process.

**Eric B. Eby**

---

**From:** Allison Tanner <inventivetechnologies@comcast.net>  
**Sent:** Wednesday, February 17, 2021 7:40 PM  
**To:** Eric B. Eby  
**Cc:** Allison Tanner  
**Subject:** Peveryly Hill Project

I had asked several questions that were not answered, as well as comments:

- 1) How many trees will be cut down along Peveryly Rd? Greenleaf Avenue?
- 2) It seems both the power poles and trees were going to be planted in the small green strips on the sides of the road. This is not advisable because the trees under power lines are heavily pruned making them both unhealthy and unattractive.
- 3) As a member of the Conservation Commission, I'm very concerned about wetland land & buffer impacts, and we generally do not look favorably on them, so if they could be minimized this would also be for the public good.

Thanks,  
Allison Tanner  
380 Greenleaf Ave  
603-431-4147

**Eric B. Eby**

---

**From:** RHONDA-STEVENSON RHONDA-STEVENSON <rhstevens@comcast.net>  
**Sent:** Friday, February 19, 2021 8:44 PM  
**To:** Eric B. Eby  
**Cc:** Peter H. Rice; Suzanne M. Woodland; Brian R. Colburn  
**Subject:** RE: Peverly Hill Rd Project

Dear Mr. Eby,

Thank you for your prompt reply to our questions. This helps us understand the exact location of the bike path as it relates to the pavement, something we really couldn't see on the pictures. Related to our own property, we are a little concerned about the width of our driveway opening. We sometimes pull a trailer and with the granite curbing, it will make it much more difficult to pull into our driveway if we are coming southbound. Is the picture to scale regarding the driveway cut?

Regarding the overall project, we are still amazed at the extent (width) of this project on this narrow corridor. It is hard to understand how the road will accommodate delivery trucks pulling over without shoulders and TT rigs passing by. What about mail delivery? Where are police going to pull over vehicles without obstructing the roadway? Are serious bike riders really going to cross the street twice at Banfield to access the shared-use path and then cross the road again at Route 33, or will they stay on the right side of the road further obstructing the narrow roadway? Why do we need a 6 foot wide sidewalk? Isn't the one on Islington St. 4 feet wide?

As much as I'd like to slow traffic on the road, we think Option 2 is unrealistic and would prefer to see Option 3 with 32 foot wide pavement and a 4 foot wide sidewalk. I believe that would reduce the total width by 10 feet. That seems more realistic.

We realize we are not the experts. We do appreciate your work and how hard this project has been to design with all the demands. Thank you for hearing us out.

Respectfully,  
Rhonda and Boyd Stevens  
303 Peverly Hill Rd  
603-436-7230

On 02/18/2021 9:59 AM Eric B. Eby <ebeby@cityofportsmouth.com> wrote:

Rhonda

Thank you for being a part of the meeting last night and for your questions and concerns.

We did not reach out to you personally about impacts to your property because there aren't expected to be any direct impacts to your actual property. While the multi-use path will be located along the frontage of your property, it will all be contained within the City Right-of-Way for Peverly Hill Road. We were able to avoid having to use any part of your property for the construction or maintenance of the path. No easements from your property are anticipated to be required. The existing edge of pavement of Peverly Hill Road is 20 feet from your property line. The edge of the bike path closest to the road will be 5 feet from the existing edge of pavement. The back side of the bike path, where it meets your front lawn, will be 15 feet from the existing edge of the pavement today, and about 5 feet from your property line.

The design of the project has sought to avoid easements and impacts to private property wherever possible, and that is one of the main reasons why the separated bike path does not continue past the Banfield Road intersection. While it would have been preferable to provide a separated bicycle path, the right-of-way going up the hill towards the DPW narrows considerably and, together with the side slopes, would have required significant property acquisition and construction of retaining walls to be able to construct a separate bike path in that area.

The project does include using part of the DPW property for the widening necessary to provide on-street bike lanes in this section of the project, as any widening on the other side of the road would require property acquisition and retaining walls due to the steep slopes on the opposite side of Peverly Hill Road in this area.

As to truck traffic, a restriction on through trucks would force more trucks onto other streets such as Middle Road and Ocean Road, which are also residential in nature like Peverly Hill Road. The present setup shares the burden among the few streets in the area that provide a connection from Route 33 to Route 1. Years ago there was a truck restriction on Peverly Hill Road, and due to the volume of trucks on Ocean Road and other residential streets, the City Council eliminated the restriction. It is ultimately the decision of the City Council to institute any type of truck restriction, as it would require a change to a City ordinance.

Burying utilities underground, while it can be more aesthetically pleasing, would increase the cost of the project tremendously, as the City would need to pay for that cost entirely, whereas there is no cost to the City to have the utility poles relocated. Also, when utilities are put underground, the transformers must remain above ground, requiring more land area for the structures.

Thank you again for your questions and participation, and feel free to reach out if I can be of any additional help.

Best,

Eric

**Eric B. Eby, P.E.**

Parking and Transportation Engineer

Department of Public Works

City of Portsmouth

680 Peverly Hill Road

Portsmouth, NH 03801

(603) 766-1415

Cell 603-828-6695

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**From:** RHONDA-STEVENS RHONDA-STEVENS [mailto:rhstevens@comcast.net]  
**Sent:** Wednesday, February 17, 2021 8:56 PM  
**To:** Eric B. Eby <ebeby@cityofportsmouth.com>  
**Subject:** Peverly Hill Rd Project

Dear Mr. Eby,

Thank you for the planning that has gone into improving Peverly Hill Rd. and the presentation on Wednesday night. We appreciate the efforts at minimizing the impact to the property owners since the meeting in 2019, however we are surprised that though residents are asked to sacrifice their yards for a 6 foot sidewalk and 10 foot wide bike path, the businesses on the South end (including DPW) are not required to allow the “safe” bike path and wide sidewalk to continue on from the Banfield/Mirona Rd intersection. We would appreciate knowing the reason, if it is so important down our end of the road, why it is not important beyond Banfield Rd?

We have not received any personal correspondence explaining the specific impact to our property at 303 Peverly Hill Rd. Our home is located well off the road; compared to others, we are not sacrificing greatly. We do have a question about how far the bike path will go into our yard and if it might damage the roots of the beautiful Catalpa tree (the largest in Rockingham County) near the road.

Finally, we appreciate the purpose of keeping the road narrow in order to slow traffic and would appreciate it if the city considered making the road a “no thru truck route” like Banfield Rd. We hope they will consider this. We’d also like to see the utilities buried underground, but realize that is probably outside your authority.

We are thankful that we can trust our city and the contractor it has chosen to continue to look into the impact and options and complete the project in a professional manner.

Respectfully,

Rhonda and Boyd Stevens

303 Peeverly Hill Rd., Portsmouth

[rhstevens@comcast.net](mailto:rhstevens@comcast.net)

603-436-7230

Cc: Portsmouth City Council Members

**Eric B. Eby**

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**From:** loni@jseligman.com  
**Sent:** Saturday, February 20, 2021 12:03 PM  
**To:** Eric B. Eby  
**Cc:** jeff@jseligman.com  
**Subject:** Peveryly Hill Sidewalks

Hello Eric, thank you and Brian for a terrific presentation. We live at 18 Moffat Street and are definitely on board with the Peveryly Hill sidewalk project! Wish you could start tomorrow. And, thrilled that the swamp on the corner will actually be cleaned up. Not sure what the drain will look like but we are confident it will look better than now. Hopefully you can put up some kind of fence/barrier so people don't throw things there.

Thanks so much and if you need any help with neighbors or anything we can do please let us know,  
Loni & Jeffrey Seligman



**Eric B. Eby**

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**From:** Noah Hester <noahrhester@gmail.com>  
**Sent:** Wednesday, February 17, 2021 7:40 PM  
**To:** Eric B. Eby  
**Subject:** Peverly Hill Road project

Hi Eric

My wife and I attended the meeting tonight about the Peverly Hill project. We moved to 293 Peverly Hill in September, and are fully in support of adding the sidewalk and bike lane. We have a dog, and typically end up driving to the little league field at Islington/middle or downtown so we can safely walk her on the sidewalk. We also frequently bike and jog to and from downtown, but the quarter mile we need to go on Peverly Hill can feel pretty unsafe. Also, we are expecting a child later this year and it will be nice to have a safe path to walk and bike ride with a small child as they grow up.

Thanks

Noah Hester  
Jess DeBellis  
293 Peverly Hill Rd Unit 7

**Eric B. Eby**

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**From:** Matthew Glenn <matthglenn@gmail.com>  
**Sent:** Thursday, February 18, 2021 4:05 PM  
**To:** Eric B. Eby  
**Subject:** Peverly Hill Complete Streets project

Hello Eric,

It was exciting to hear last night about this ten year project getting closer to reality. I think the multi-use path is an excellent plan, and SABR will send a letter of support soon. A couple thoughts:

1) The left turn lane from Peverly to Banfield starts almost 400 feet back, and from the traffic volumes I've seen it could easily be halved. An eastbound bicyclist who is climbing the steep hill by Aqua Paradise will get passed by high speed traffic. Could the left turn lane be shortened and some of the "invisible island" narrowed to make space for a painted buffer on the eastbound bike lane? Even if it just goes from the Aqua Paradise property line to the DPW drive I think that would help.

2) for the more confident west-bound cyclists, how about a sharrow or signage suggesting they use that left turn lane. On a green arrow they could partially turn toward Banfield, then join the multi-use path and skip the two crosswalks.

3) For bicyclists coming off Greenleaf I think it's important to have an easy on-ramp that doesn't require stopping and using the crosswalk. Could there be a wide curb entry directly across from the southbound driving lane on Greenleaf? That way bike riders could take the shortest route across when there is a break in the traffic to enter the path for travel in either direction. Otherwise they have to jog to the left or right and risk greater conflict with cars.

And out of curiosity, are there plans for a crosswalk flashing beacon there? All of a sudden our city councilors love them for some reason!

Thank you so much.  
Matt Glenn

**CITY OF PORTSMOUTH  
PORTSMOUTH, NEW HAMPSHIRE**

**TWO THOUSAND TWENTY-ONE**

**RESOLUTION # \_\_\_\_\_**

**Resolution Re:      Approval to Submit a Notice of Intent to Obtain Coverage  
                                 under the Great Bay Total Nitrogen General Permit**

WHEREAS, the City of Portsmouth operates the Pierce Island Wastewater Treatment Facility (“Pierce Island WWTF”) and the Pease Wastewater Treatment Facility (“Pease WWTF”); and

WHEREAS, the Pierce Island WWTF operates as a secondary treatment plant that utilizes a biological aerated filter system and provides nitrogen removal; the facility has a design flow of 6.1 million gallons per day (mgd) and discharges the treated effluent to the Piscataqua River; and

WHEREAS, the Pease Wastewater Treatment Facility operates as a secondary treatment plant, discharging to the Piscataqua River, that utilizes a sequencing batch reactor system; the facility has a design flow of 1.2 million gallons per day (mgd) and is planned for a capacity and treatment upgrades; and

WHEREAS, the Peirce Island WWTF and the Pease WWTF are both regulated under the federal Clean Water Act and each subject to an individual National Pollution Discharge Elimination System Permit (NPDES) issued by the Environmental Protection Agency (EPA); and

WHEREAS, on November 24, 2020, EPA Region 1 issued the final Great Bay Total Nitrogen General Permit for Wastewater Treatment Facilities in New Hampshire (“General Permit”) with an effective date of February 1, 2021; and

WHEREAS, the General Permit sets nitrogen load limits for 13 New Hampshire wastewater treatment facilities discharging to the Great Bay Estuary including the Peirce Island WWTF and the Pease WWTF; and

WHEREAS, the General Permit allows for facilities covered by this General Permit to opt-in to coverage by submitting a Notice of Intent to EPA no later than April 1, 2021; and

WHEREAS, facilities that opt-in to the General Permit are required to participate in the development and implementation of an adaptive management plan, which would include opportunities to study and work with regulators toward scientific monitoring,

development of nitrogen source reduction strategies, and eventual nutrient load capacity determinations.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND PORTSMOUTH CITY COUNCIL THAT:

The City Manager or designee is authorized to sign and submit a Notice of Intent and take all necessary steps to obtain coverage for the City of Portsmouth and its Peirce Island WWTF and Pease WWTF pursuant to the General Permit issued by the EPA, in accordance with applicable requirements.

This Resolution shall take effect upon passage.

Approved:

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Rick Becksted, Mayor

Adopted by the City Council  
\_\_\_\_\_, 2021

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Kelli L. Barnaby, City Clerk

**INTERMUNICIPAL AGREEMENT**  
**FOR DEVELOPMENT OF AN ADAPTIVE WATER QUALITY MANAGEMENT PLAN**  
**FOR GREAT BAY ESTUARY**

The parties to this Intermunicipal Agreement are the City of Rochester, the City of Dover and the City of Portsmouth and those additional municipalities and towns that have executed this Agreement in accord with its provisions below.

**WHEREAS**, the U.S. Environmental Protection Agency Region I (“EPA”) issued the Great Bay Total Nitrogen General Permit (NPDES Permit No. NHG58A000) on November 24, 2020 (the “General Permit”);

**WHEREAS**, municipalities and towns that own or operate any of 13 certain municipal wastewater treatment facilities covered by the General Permit may choose to Opt-In to the General Permit by April 2, 2021 and become permittees (the “Permittees”);

**WHEREAS**, the Cities of Rochester, Dover and Portsmouth operate wastewater treatment facilities in the Great Bay Estuary plan to Opt-In to the General Permit;

**WHEREAS**, the Cities of Rochester, Dover and Portsmouth are seeking to collaborate with each other, with other Permittees, with other communities in the watershed as well as with all involved regulators and stakeholders in an adaptive management framework addressing water quality and overall TN source reductions to the Great Bay estuary as described in Part 3 of the General Permit;

**WHEREAS**, the General Permit envisions the elements of an adaptive management framework for the Great Bay estuary as including (1) ambient water quality monitoring (2) pollution tracking (3) pollution reduction planning and implementation, and (4) review of significant scientific, methodological, and protective target nitrogen load issues of importance to the Permittees;

**WHEREAS**, the General Permit describes adaptive management implementation as including collaboration between Permittees and EPA, the State of New Hampshire through its Department of Environmental Services, (“NHDES”), and public, private, commercial, and other stakeholders including the Conservation Law Foundation (“CLF”);

**WHEREAS**, Permittees are required by the General Permit to submit a detailed proposal on or before July 31, 2021; and

**WHEREAS**, through this Intermunicipal Agreement, the Permittees seek to implement the Intermunicipal Plan For Adaptive Water Quality Management In the Great Bay Estuary dated December 14, 2020 (“Plan”) and included as Attachment 1.

**WHEREAS**, RSA 53-A:1 permits “...municipalities and counties to make the most efficient use of their powers by enabling them to cooperate with other municipalities and

counties on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities”;

**THEREFORE**, pursuant to RSA 53-A:3, the Permittees enter into this Agreement for the purposes described above as follows:

I. **DEFINITIONS**

- A. “Contribution Formula” that mechanism for allocating costs among the Members who are Permittees.
- B. “Executive Board” that administrative and management body charged with the responsibilities described in paragraph V.
- C. “Member” that municipality or town in the Great Bay estuary watershed, whether located in New Hampshire or Maine, that has indicated its intent to be a part of this Agreement by executing Attachment 2.
- D. “Recommended Annual Contribution for Monitoring” that amount recommended annually by the Executive Board and adopted by the Members for water quality monitoring and analysis.

II. **PURPOSE OF THIS AGREEMENT**

The purpose of this Agreement is to implement the Plan to improve water quality in the Great Bay estuary and to take such other and further collaborative action which may be agreed upon to fulfill or assist Permittees’ compliance with the General Permit. No separate corporate entity is being created as this instrument is intended to assist with joint administrative and executive functions associated with implementation of the Plan and to generate and coordinate funding recommendations necessary to implement the Plan.

III. **DURATION OF AGREEMENT**

The term of this Agreement runs from March 1, 2021 to February 28, 2026. This Agreement may be renewed for an additional term to be determined by vote of the majority of the Members.

IV. **MEMBERS**

- A. Membership. The initiating Members to this Agreement are: the City of Rochester acting through its City Manager; the City of Dover acting through its City Manager and the City of Portsmouth acting through its City Manager. Additional Members may be added to this Agreement by

executing Attachment 2 and identifying the acting authority (such as Town Manager, Town Administrator, Sewer Commission) and providing an executed Attachment 2 to the Executive Board . Any municipality or town in the Great Bay estuary watershed, whether located in New Hampshire or Maine, is eligible to be a Member.

The Members for purposes of this Agreement shall be called the Municipal Alliance for Adaptive Management.

- B. Organizational Meeting There will be an initial meeting of Members after the Opt-in date of April 2, 2021 but before April 30, 2021 to be set by the City Manager of the City of Rochester. The purpose of the meeting will be to have the Members vote on appointing up to two At-Large Members to the Executive Board and setting the recommended 2021 Contribution Goal. The Executive Board is further defined in Section V. Meetings are discussed further in Section VI.

V. **EXECUTIVE BOARD**

- A. Purpose and Authority of Executive Board. The Executive Board has the authority to enter into contracts on behalf of the Municipal Alliance for Adaptive Management in order to implement the Plan, to receive and manage funds by way of the fiscal agent (defined below), to approve bills and disbursements, to make funding recommendations and to circulate documents necessary in order to keep Members informed, to set the annual meeting of the members, to participate in discussions with stakeholders, and to conduct such other activities as the Executive Board deems necessary and proper to carry out the purposes of this Agreement. The Executive Board does not otherwise have authority to acquire or hold items of personal or real property.
- B. Officers. Beginning with its first meeting and then annually thereafter, the Executive Board shall elect a Chair, Vice Chair and a Clerk from the members of the Executive Board.
- C. Membership of Executive Board. The Executive Board shall be composed of three Standing Members consisting of the city managers of the City of Rochester, the City of Dover, and the City of Portsmouth. The Members may select up to two additional At-Large Members of the Executive Board from other communities.

At-Large Members of the Executive Board members shall be nominated at the Members' Organizational Meeting and serve through the expiration of the term of this Agreement. If this Agreement is renewed by the Members for an additional term, the Members will elect/re-elect At-Large Executive Board members at the meeting in which an extension of the term of this

Agreement is made. At-Large Executive Board Members must be Permittees.

There are no term limits for Executive Board members. Executive Board members may appoint designees if that designee has decision-making authority.

In the event any vacancy occurs for At-Large Executive Board Members, the Executive Board shall within thirty (30) days of the vacancy call a meeting of the Members so that the Members may select a replacement.

In the event more than three Members are communities from Maine, those members from Maine may request that the Executive Board be expanded to include a Member from Maine, which request will be granted provided there is an agreement on a formula for contribution to the activities contemplated by this Agreement.

- D. No Personal Liability. Executive Board members and its officers shall not be personally liable for any debt, liability or obligation of the Municipal Alliance for Adaptive Management. All persons having any claim against the Municipal Alliance for Adaptive Management may look only to its funds for payment of any such contract or claim, or for the payment of any debt, damages, judgment or decrees, or of any money that may otherwise become due and payable to them from the Municipal Alliance for Adaptive Management.

## VI. MEETINGS

- A. Annual meetings of the Members. After the initial Organizational Meeting a meeting of the Members shall be held at least annually in the last quarter of each calendar year. At the Annual Meeting the Members shall vote on the Recommended Contribution for the following calendar year.

Annual meetings of the Members shall be subject to the requirements of public meetings as required by NH RSA 91-A. Members shall have the ability to participate telephonically and by video conference as may be permitted under NH RSA 91-A.

Each Member is afforded one vote in all matters that require action. A majority vote of those Members present and voting shall be needed to act upon any business associated with this Agreement. One third of the total Membership shall constitute a quorum.

- B. Executive Board Meetings. The Executive Board shall meet at least biannually or more frequently at the call of the Chair at such times and places that are mutually convenient. The meetings of the Executive Board are not public meetings as that term is defined by NH RSA 91-A.



Voting. If there are three Executive Board Members, a quorum is two (2) Members. If there are five or more Executive Board members a quorum is three Members. All votes will pass by simple majority.

Attendance. Attendance for purposes of quorum and voting may be by telephone or video conference. A record of the actions taken by the Executive Board shall be distributed to the Members within ten (10) calendar days of any meeting. Distribution may be by e-mail.

## VII. WORK AND COST -SHARING

- A. Initial Water Quality Work. The Cities of Rochester, Dover and Portsmouth identified an initial scope of work necessary to initiate the adaptive management opportunity identified in Part 3 of the General Permit. Water quality specialists within the engineering firm of Brown and Caldwell were solicited to submit a proposal to complete the scope of work. Due to the time constraints imposed by the Permit and the schedule of other stakeholders including PREP to develop a water quality monitoring plan for the upcoming sampling season, the three cities entered into a memorandum of agreement to share equally the costs of the work described. The Memorandum of Agreement and the Scope of Work is set forth at Attachment 3. This paragraph is for informational purposes only and will not form a part of a request for financial contribution from other Members.
- B. Participation in Water Quality Monitoring, Data Gathering and Analysis. Members are expected to participate in the planning and cost of ambient water quality monitoring, data gathering and water quality analysis along with other stakeholders (“Annual Contribution for Monitoring”). The recommended formula for such cost sharing for Members who are Permittees is set forth in Attachment 4 (“Contribution Formula”). The Contribution Formula may be amended by a majority vote of the Members who are also Permittees.
- C. Recommended Annual Contribution for Monitoring. The Annual Contribution for Monitoring, in the aggregate for all Members, shall be no less than \$200,000 and no more than \$500,000. The Executive Board shall develop a Recommended Annual Contribution for Monitoring to be presented to the Members at the Members Annual Meeting in the fall of each calendar year. The Members who are also Permittees shall vote on and set the Recommended Annual Contribution for Monitoring. Members shall make good faith efforts to budget and appropriate the funds in accord with the Recommended Annual Contribution for Monitoring and Contribution Formula adopted at the Members Meeting.

**DRAFT INTERMUNICIPAL AGREEMENT**

January 26, 2021

- D. Other Work. The Executive Board may make such additional recommendations to the Members to finance other work consistent with the Plan. Such other work if voted upon by the Members shall be financed according to the Contribution Formula.
- E. Fiscal Agent. The Members agree that the City of Rochester ("City") will be the fiscal agent for Municipal Alliance for Adaptive Management, with the authority to collect, hold, invest, disperse and pay funds held on behalf of the Municipal Alliance for Adaptive Management at the direction of the Executive Board.
- F. Accounting for Funds. The Executive Board with assistance from the Fiscal Agent shall provide to the Members an annual accounting of monies received, spent, and obligated, and a final accounting upon the termination of the Agreement.
- G. Funds upon Termination. Upon termination of this Agreement, no individual employee or member of the Executive Board shall be entitled to a share in the distribution of any funds upon dissolution. Upon termination, the funds shall be distributed to each Member at the time of distribution in proportion to the percentage of its contribution relative to the total contribution of all the Members made in the year of distribution.

**VIII POLLUTION TRACKING**

The Executive Board anticipates making recommendations to Members to participate in certain pollutant tracking programs. Members agree to make good faith efforts to participate in such pollution tracking programs.

**IX. TERMINATION**

- A. Mutual Agreement. This Agreement may be terminated prior to the end of the term upon mutual agreement of the Members.
- B. Withdrawal of a Member at the Conclusion of the Term. A Member wishing to withdraw from the Agreement at the end of the term and not interested in renewal shall give written notice to the Executive Board at least three months before the expiration of the term. The Executive Board will notify the other Members of any Member's withdrawal through their authorized agents who have executed this Agreement.
- C. Withdrawal of Member Prior to Expiration of Term. A Member wishing to withdraw from the Agreement before the end of the term shall be responsible for its share of any outstanding Recommended Annual Contribution for Monitoring for the year in which the terminating Member gives notice of termination. Notice of withdrawal shall be in writing from the Member to the Executive Board at least thirty (30) days prior to termination. The Executive Board will notify the other Members of any

Member's withdrawal through their authorized agents who have executed this Agreement.

- D. Appeal of General Permit. This Agreement is being entered into prior to the expiration of the period of appeal of the General Permit. In the event of any appeal of the General Permit, any Member may withdraw from this Agreement without penalty as described in paragraph C..

## X. **ISSUANCE OF BONDS**

The Members do not intend to issue bonds jointly as permitted by RSA 53-A:6. Should the Members decided to do so at a later time, an amendment to this Agreement shall be undertaken to specify those items required by RSA 53-A:6, II.

## XI. **OTHER**

- A. Amendment. This Agreement may be amended only by written Agreement signed by two-thirds of the Members.
- B. Authority. All Members undersigned represent and agree that they have the authority to enter into this Agreement.
- C. Notices. Notices for each party shall be in writing and mailed to the individuals listed in Exhibit B which is attached and incorporated hereto.
- D. Severability. If any provision of this Agreement is deemed invalid or unenforceable, the remaining provisions shall remain in full force and effect.
- E. Governing Law. This Agreement shall be governed by and interpreted in accordance with the provisions of the laws of the State of New Hampshire.
- F. Separate Document. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
- G. Compliance with RSA 53-A:
- Pursuant to RSA 53-A:3 IV, this Agreement does not relieve any of the Members of any obligation or responsibility imposed upon it by law except to the extent of actual and timely performance thereof by the Executive Board. Performance may be offered in satisfaction of the obligation or responsibility.
  - Pursuant to RSA 53-A:3 V, this Agreement shall be submitted to the NH Attorney General who shall determine whether the

agreement is in proper form and compatible with the laws of this state.

- Pursuant to RSA 53-A:4, this Agreement shall be filed with the clerk of each municipality and with the NH Secretary of State.
- Pursuant to 53-A:5, this Agreement shall be submitted to the NH Department of Revenue Administration as a condition precedent to its entry into force.

This Submission and approval shall be in addition to and not in substitution for the requirement of submission to and approval by the NH Attorney General.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF ROCHESTER**

By: \_\_\_\_\_  
Blaine Cox, City Manager

Dated this \_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF DOVER**

By: \_\_\_\_\_  
J. Michael Joyal, Jr., City Manager

Dated this \_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF PORTSMOUTH**

By: \_\_\_\_\_  
Karen S. Conard, City Manager

**Attachment 1****INTERMUNICIPAL PLAN FOR ADAPTIVE WATER QUALITY MANAGEMENT  
IN THE GREAT BAY ESTUARY****DECEMBER 14, 2020**

This plan outlines a collaborative effort by and among municipalities in furtherance of their mutual interests in appropriate management and protection of water quality in the Great Bay estuary and, for those that opt for coverage under NPDES Great Bay Total Nitrogen General Permit (NPDES Permit No. NHG58A000) issued by U.S. Environmental Protection Agency Region I (“EPA”) on November 24, 2020 (the “General Permit”), in the coordinated, cost-effective implementation of the permit’s adaptive management framework.

**BACKGROUND**

A. General Permit Overview. The General Permit was recently established as an available permitting option for eligible municipal permittees (the “Permittees”) that own or operate any of 13 certain municipal wastewater treatment facilities (“WWTFs”). Its optional approach for the limitation and control of total nitrogen (“TN”) discharges from covered WWTFs combines relatively less stringent TN effluent limitations (as compared to those EPA would otherwise anticipate imposing under individual permits) with the opportunity for the Permittees to collaborate in an adaptive management framework addressing overall TN source reductions to the Great Bay estuary.

B. Adaptive Management Opportunity. As set forth in Part 3 of the General Permit, EPA envisions the elements of an adaptive management framework for the Great Bay estuary as including the General Permit, ambient monitoring, pollution tracking, reduction planning, and review of significant scientific, methodological, and protective target nitrogen load issues of great importance to the Permittees. The General Permit also describes adaptive management implementation as including collaboration between or among EPA, the State of New Hampshire (including the Department of Environmental Services, “NHDES”), and public, private, commercial, and other stakeholders (including the Conservation Law Foundation (“CLF”) with which the Permittees desire to increase coordination to achieve mutual goals). For Permittees that opt for coverage, the General Permit contemplates that the Permittees will participate in this collaboration by submitting a detailed proposal on or before the associated July 31, 2021 deadline.

C. Consistency with Municipal Goals. The adaptive management framework of the General Permit provides an approach to advancing mutual water quality protection interests while also correcting and improving the scientific and technical basis for proper water quality management and protection of the Great Bay estuary. This framework generally has the potential to meet important goals identified by the Permittees during the NPDES permitting process such as improving and protecting water quality based on sound science and public policy, increasing collaboration, resolving significant municipal concerns, aligning governmental authorities on near-term actions and investments, supporting wastewater and stormwater nitrogen removal, supporting ambient monitoring efforts, adopting measurable and achievable TN reductions protective of ecosystem health and resilience, laying a solid foundation for appropriate future investments, and avoiding disputes and delays. This framework is also generally consistent with

certain guiding principles that the Permittees identified during the permitting process, including timely issuance of the first watershed-scale TN General Permit for Great Bay, effectiveness and cost-effectiveness of wastewater and stormwater controls, and steady progress and true adaptive management building on significant WWTF nitrogen reductions already made.

D. Acknowledgment of Common Interests. The Permittees acknowledge and share certain interests with EPA, NHDES, and key stakeholders such as CLF in successful implementation of the adaptive management framework. The Permittees desire to fully and effectively participate in the adaptive management process, not only to meet their own goals and interests, but also to address the scientifically-defensible reasonable interests of these governmental and non-governmental stakeholders in a fiscally responsible manner.

Therefore, in furtherance of mutual interests of the Permittees in continuing to be good stewards of the Great Bay estuary, appropriately protecting water quality, and meeting the needs of the citizens of their communities, the Permittees have established this intermunicipal plan for the development of a joint adaptive management framework proposal in accordance with the General Permit.

## **JOINT ADAPTIVE MANAGEMENT FRAMEWORK PROPOSAL DEVELOPMENT PROCESS**

1. Collaborative Development Process. The Permittees recognize and support the collaborative nature of the adaptive management framework and welcome the opportunity to work in partnership with EPA, NHDES, Piscataqua Region Estuaries Partnership (“PREP”), CLF and other relevant entities to advance nitrogen management in the Great Bay estuary.

a. Municipal Cooperation and Coordination. The Permittees intend to confer and coordinate with one another on all relevant aspects of developing an approvable joint proposal addressing the adaptive management framework elements specified by the General Permit (the “Joint Proposal”) as generally described herein. Although it assumed that most if not all Permittees will prefer to opt for coverage under the General Permit, Permittees that instead opt for individual permit coverage may still participate in this watershed-level process.

b. Consultation with Interested Third Parties. In the course of developing the Joint Proposal, the General Permit’s adaptive management framework encourages, and the Permittees intend to engage in, consultation from time to time as appropriate with EPA, NHDES, PREP, and CLF, , which the Permittees consider to be key governmental partners or stakeholders that share certain goals and interests in common with the Permittees. In addition, significant public participation is anticipated and welcomed by the Permittees. Without limiting the foregoing overarching intent, certain specific opportunities for consultation with identified partners and stakeholders are identified below.

2. Planned Scope of Joint Proposal. The scope of the Joint Proposal is expected to be developed in a manner that meets or exceeds the minimum requirements of Part 3 of the General Permit summarized below and further organized on the basis of priority Nitrogen Reduction Efforts (Paragraph 3 below) and concurrent Endpoint Planning Efforts (Paragraph 4 below).

3. Nitrogen Reduction Efforts. The Permittees intend to prioritize planning and implementation of the following Nitrogen Reduction Efforts during the 2021-2025 permit term, without delay, concurrent with Endpoint Planning Efforts useful for determining long-term water quality goals.

a. Nitrogen Source Reduction Plans. The General Permit (Part 3, Paragraph 1.c.) seeks a proposed outline or plan for overall source reductions of TN over the course of the permit term. The Joint Proposal will address a process and timeline for developing and implementing such TN control measures, including specific short-term control measures for various sources of TN loadings as well as the identification, design, installation, operation and maintenance of specific projects to reduce TN loads. Without limiting the foregoing measures, consideration will be given to the feasibility of regional fertilizer regulation and potential oyster restoration projects. The Joint Proposal will also address pollutant reduction estimations for other pollutants of concern such as TSS/sediment in addition to TN.

b. Consultation with CLF on Nitrogen Project Planning. For purposes of this prioritized nitrogen source reduction planning efforts, the Permittees intend to consult with key stakeholders that possess the technical resources and capability to provide relevant assistance such as on identification of potential projects and opportunities to optimize pollutant reduction benefits through consideration of project types, locations, and costs. The Permittees specifically envision consulting with CLF, assuming CLF interest, during the Joint Proposal development phase as well as during the Joint Proposal implementation phase.

c. Nitrogen Load Tracking Methods. The General Permit (Part 3, Paragraph 1.b.) seeks a proposed method(s) to be used to track reductions and additions of TN over the course of the permit term. The Joint Proposal will address such method(s) with specific consideration being given to potentially using NHDES's Pollution Tracking and Accounting Program ("PTAP") as tracking/accounting system for quantifying the nitrogen loading changes to the Great Bay estuary associated with activities within each municipality such as new/modified septic systems, decentralized wastewater treatment facilities, changes to the amount of effective impervious cover, changes to the amount of disconnected impervious cover, conversion of existing landscape to lawns/turf, and any new or modified structural or non-structural best management practices.

4. Endpoint Planning Efforts. Concurrent with Nitrogen Reduction Efforts, the Permittees intend to support the following Endpoint Planning Efforts useful for determining long-term water quality goals and the basis for future permit renewals.

a. Ambient Water Quality Monitoring. The General Permit (Part 3, Paragraph 1.a.) seeks a proposed approach to ambient water quality monitoring in the Great Bay estuary to determine progress and trends. The Permittees recognize that PREP, as part of EPA's National estuary Program, has benefited the region by tracking environmental trends through long-term monitoring. The Permittees anticipate making additional contribution toward a portion of the overall cost of an expanded, coordinated, non-duplicative, properly-designed ambient monitoring program that the Permittees participate in developing. The Permittees envision the resulting enhanced monitoring effort as being designed to better understand the role of nitrogen, including other factors affecting eelgrass such as sediment characteristics, suspended sediment



concentrations and loads, bioturbation, epiphytic growth, and macroalgal community abundance. In developing the Joint Plan, the Permittees intend to consult with PREP and key partners and stakeholders regarding the design, implementation, cost, and financial and in-kind contributions to an enhanced monitoring effort. The Permittees further intend that their respective individual contributions to their total contribution will be allocated by and among themselves in a fair and equitable manner to be agreed upon.

b. Significant Scientific and Methodological Issue Evaluation. The General Permit (Part 3, Paragraph 1.d.) provides the opportunity for, and the Joint Proposal will include, an inclusive and transparent process for comprehensively evaluating any significant scientific and methodological issues relating to the permit, including the choice of a load-based threshold of 100 kg ha<sup>-1</sup> yr<sup>-1</sup> (a longstanding concern of the Permittees for reasons memorialized in formal public comments in the administrative record for the General Permit) versus any other proposed threshold, including a concentration-based threshold. The Joint Proposal will include detailed milestones culminating in submission of a report to EPA, prior to expiration of the permit terms, for inclusion in the administrative record for permit renewal. That report will indicate whether the NHDES concurs with the findings.

c. Loading Capacity Determination. The General Permit (Part 3, Paragraph 1.e.) seeks a proposed timeline for completing a Total Maximum Daily Load (“TMDL”) for TN in Great Bay and for submitting it to EPA for review and approval. The Joint Proposal will include such a timeline and may include alternative approaches to identifying Great Bay’s assimilative capacity for TN as a scientifically-defensible and reasonable basis for permit renewal and for implementation activities.

5. Administrative Matters. The Permittees desire to implement this plan and, for those opting for coverage under the General Permit, to develop and implement the Joint Proposal, all in a timely, coordinated, and cost-effective manner.

a. Joint Resources & Cost-Savings. The Permittees’ development and, if approved, implementation of the Joint Proposal will benefit from the assistance of highly-specialized experts such as consultants with substantial expertise in the field of water quality science or knowledge of the Great Bay system. To obtain such expertise, avoid duplication, and minimize total costs, such resources may be secured on a cost-sharing basis as mutually agreed by the Permittees.

b. Intermunicipal Agreement. To facilitate the development and implementation of appropriate aspects of the Joint Proposal on a group basis, including the joint selection and cost-sharing of expert resources, the Permittees or a subset of the Permittees may enter into an intermunicipal agreement pursuant to RSA 53-A:3 (Joint Exercise of Powers). Among other requirements, any such agreement will address the duration, purpose, financing, budget, and administration of such endeavor.

c. Further Efforts. This plan is a non-binding working document that provides a preliminary framework for promptly advancing the important endeavors described herein consistent with the short timeline established in the General Permit, including for submittal of a



Notice of Intent to opt for coverage (by April 2, 2021) and for submittal of the Joint Proposal (by July 31, 2021). This plan does not represent a funding commitment or require any appropriation by any governmental body, nor does it fix the terms and conditions of the anticipated intermunicipal agreement, which is intended to be developed jointly by the participating Permittees. Consistent with the foregoing deadlines, the goal for executing the intermunicipal agreement is March 31, 2021.

\* \* \*

Attachment 2

Election to Join  
Intermunicipal Agreement  
for Development of an Adaptive Water Quality Management Plan  
for Great Bay Estuary

City/Town: \_\_\_\_\_

Election Date: \_\_\_\_\_

The Acting Authority (City Manager, Town Administrator, Town Manager or Sewer Commissioner) for purposes of this Intermunicipal Agreement is identified below with contact information:

By signing below I, \_\_\_\_\_, in my capacity as \_\_\_\_\_, affirm that I am authorized to enter into this Agreement on behalf of the City/Town.

\_\_\_\_\_

Prism Project \_\_\_\_\_

AGREEMENT FOR CONSULTING SERVICES  
 BETWEEN CITY OF ROCHESTER, NH  
 AND BROWN AND CALDWELL  
 FOR PREP ENGAGEMENT

THIS AGREEMENT is made and entered into on this 26th day of January, 2021 by and between the City of Rochester, NH, hereinafter referred to as "Client," and Brown and Caldwell, a California corporation, its affiliates and subsidiaries, hereinafter referred to as "Consultant."

RECITALS:

WHEREAS, Client is authorized to and desires to retain Consultant to engage with the Piscataqua Region Estuaries Partnership (PREP), DES, and other stakeholders, as PREP develops the research and monitoring initiative required by the National Discharge Elimination System Great Bay Total Nitrogen General Permit for Wastewater Treatment Facilities in New Hampshire.

WHEREAS, Consultant has available and offers to provide personnel and facilities necessary to perform the desired services within the required time; and

WHEREAS, Client desires to retain Consultant to perform the services in the manner, at the time, and for the compensation set forth herein;

NOW, THEREFORE, Client and Consultant agree as follows:

I. DESCRIPTION OF PROJECT

Client and Consultant agree that Project is as described in Exhibit A, entitled "Description of Project," dated January 4, 2021. If, during the course of Project, Client and Consultant agree to changes in Project, such changes shall be incorporated in this Agreement by written amendment.

II. SCOPE OF CONSULTANT SERVICES

Consultant agrees to perform those services described hereafter. Unless modified in writing by both parties, duties of Consultant shall not be construed to exceed those services specifically set forth herein.

A. Basic Services

Consultant agrees to perform those basic services described in Exhibit B entitled "Scope of Services," dated January 4, 2021 (the "Services"). Any tasks not specifically described in Exhibit B are Additional Services.

B. Additional Services

Client shall pay Consultant all fees and costs incurred in performing Additional Services provided the services were either (a) authorized by Client, or (b) required to be performed due to emergency conditions at the project site. Client will be deemed to

have authorized the Additional Services if Consultant provides Client with notification that the Additional Services will be performed and Client does not object within five (5) working days after notification. Unless otherwise agreed in writing, Additional Services shall be performed in accordance with Consultant's standard billing rates at the time the Additional Services are performed.

C. Litigation Assistance

Unless specifically stated therein, the Scope of Services does not include assistance to support, prepare, document, bring, defend, or assist in litigation undertaken or defended by Client. All such services required or requested of the Consultant by Client or any third party (except claims between Client and Consultant) will be reimbursed at Consultant's applicable rates for such litigation services.

D. Document Productions

In the event Brown and Caldwell is requested pursuant to subpoena or other legal process to produce its documents or any other information relating to Brown and Caldwell's services under this agreement in judicial or administrative proceedings to which Brown and Caldwell is not a party, Client shall reimburse Brown and Caldwell at standard billing rates for its time and expenses incurred in responding to such requests.

### III. RESPONSIBILITIES OF CLIENT

In addition to payment for the Services performed under this Agreement, Client shall:

1. Assist and cooperate with Consultant in any manner necessary and within its ability to facilitate Consultant's performance under this Agreement.
2. Designate in writing a person to act as Client's representative with respect to this Agreement. Such person shall have complete authority to transmit instructions, receive information, interpret and define Client's policies, make decisions and execute documents on Client's behalf.
3. Furnish Consultant with all technical data in Client's possession including, but not limited to, maps, surveys, drawings, soils or geotechnical reports, and any other information required by, or useful to, Consultant in performance of its Services under this Agreement. Consultant shall be entitled to rely upon the information supplied by Client.
4. Notify Consultant of any known or potential health or safety hazards existing at or near the project site.
5. Provide access to and/or obtain permission for Consultant to enter upon all property, whether or not owned by Client, as required to perform and complete the Services.
6. If Consultant's scope of work includes services during construction, Client will require the construction contractor to indemnify and hold harmless Consultant, its officers, employees, agents, and consultants against claims, suits, demands, liabilities, losses, damages, and costs, including reasonable attorneys' fees and all other costs of defense, arising out of the performance of the work of the contractor, breach of contract, or willful misconduct of the contractor or its subcontractors, employees, and agents.

Client will require the contractor to name Consultant, its directors, officers and employees as additional insureds on the contractor's general liability insurance and/or

Owner's and Contractor's Protective policy (OCP), and any builder's risk, or other property insurance purchased by Client or the contractor to protect work in progress or any materials, supplies, or equipment purchased for installation therein.

Client will furnish contractor's certificates of insurance evidencing that Consultant, its officers, employees, agents, and consultants are named as additional insureds on contractor's general liability and property insurance applicable to the Project. Contractor's policies shall be primary and any such insurance carried by the Consultant shall be excess and noncontributory. The certificates shall provide that Consultant be given 30 days' written notice prior to any cancellation thereof.

#### IV. AMERICANS WITH DISABILITIES ACT

Any other provision of this Agreement to the contrary notwithstanding, unless otherwise specified in the Scope of Services, Client shall have sole responsibility as between Client and Consultant for compliance with the Americans With Disabilities Act ("ADA") 42 U.S.C. 12101 et. Seq. and the related regulations.

#### V. AUTHORIZATION AND COMPLETION

In signing this Agreement, Client grants Consultant specific authorization to proceed with work specified in Exhibit B. The estimated time for completion is within 120 calendar days of the date Consultant receives authorization to proceed with the work from Client. Consultant shall use its best efforts to perform the work specified in Exhibit B within the estimated time.

#### VI. COMPENSATION

##### A. Amount

For the Services described in Exhibit B, Client agrees to pay, and Consultant agrees to accept compensation in accordance with Exhibit C, which shall not be exceeded without the consent of the Client. Where Consultant has provided Client with a breakdown of the total compensation into subtasks, such breakdowns are estimates only. Consultant may reallocate compensation between tasks, provided total compensation is not exceeded without the approval of Client. Consultant will provide Client with an updated estimate of the cost to complete this work s once approximately 75% of the work is completed.

##### B. Payment

As long as Consultant has not defaulted under this Agreement, Client shall pay Consultant within 30 days of the date of Consultant's invoices for services performed and reimbursable expenses incurred under this Agreement. If Client has reason to question or contest any portion of any such invoice, amounts questioned or contested shall be identified and notice given to Consultant, within 30 days of the date of the invoice. Any portion of any invoice not contested shall be deemed to be accepted and approved for payment and shall be paid to Consultant within 30 days of the date of the invoice. Client agrees to cooperate with Consultant in a mutual effort to resolve promptly any contested portions of Consultant's invoices.

In the event any uncontested portions of any invoice are not paid within 30 days of the date of Consultant's invoice, interest on the unpaid balance shall accrue beginning with the 31st day at the maximum interest rate permitted by law, and Consultant shall have the

right to suspend work per Article XV, Suspension of Work.

## VII. RESPONSIBILITY OF CONSULTANT

### A. Standard of Care—Professional Services

Subject to the express provisions of the agreed scope of work as to the degree of care, amount of time and expenses to be incurred, and subject to any other limitations contained in this Agreement, Consultant shall perform its Services in accordance with generally accepted standards and practices customarily utilized by competent engineering firms in effect at the time Consultant's Services are rendered. Consultant does not expressly or impliedly warrant or guarantee its Services.

### B. Reliance upon Information Provided by Others

If Consultant's performance of services hereunder requires Consultant to rely on information provided by other parties (excepting Consultant's subcontractors), Consultant shall not independently verify the validity, completeness, or accuracy of such information unless otherwise expressly engaged to do so in writing by Client.

## VIII. ASSIGNMENT OF TASKS TO AFFILIATES

A. If the authorized scope of work includes construction activities or the oversight of construction, Consultant may, at its discretion and upon notice to Client, assign all of its contractual rights and obligations with respect to such activities or services to Brown and Caldwell Constructors, its wholly owned affiliate.

B. If the authorized scope of work requires professional services to be performed in a jurisdiction in which Consultant renders professional services solely through a locally registered engineering affiliate for purposes of compliance with professional licensing requirements in that jurisdiction, Consultant may, in its discretion, upon notice to Client, and with Client's written consent, assign its contractual rights and obligations with respect to such activities or services to such locally registered engineering affiliate.

## IX. CONSULTANT'S WORK PRODUCT

### A. Scope

Consultant's work product which is prepared solely for the purposes of this Agreement, including, but not limited to, drawings, test results, recommendations and technical specifications, whether in hard copy or electronic form, shall become the property of Client when Consultant has been fully compensated as set forth herein. Consultant may keep copies of all work product for its records.

Consultant and Client recognize that Consultant's work product submitted in performance of this Agreement is intended only for the project described in this Agreement. Client's alteration of Consultant's work product or its use by Client for any other purpose shall be at Client's sole risk.

### B. Electronic Copies

If requested, solely as an aid and accommodation to Client, Consultant may provide copies of its work product documents in computer-readable media ("electronic copies," "CADD"). These documents will duplicate the documents provided as work product,

but will not bear the signature and professional seals of the registered professionals responsible for the work. Client is cautioned that the accuracy of electronic copies and CADD documents may be compromised by electronic media degradation, errors in format translation, file corruption, printing errors and incompatibilities, operator inexperience and file modification. Consultant will maintain the original copy, which shall serve as the official, archived record of the electronic and CADD documents.

## X. INDEMNIFICATION

### A. Indemnification of Client

Consultant agrees to indemnify and hold Client harmless from and against any liability to the extent arising out of the negligent errors or negligent omissions of Consultant, its agents, employees, or representatives, in the performance of Consultant's duties under this Agreement.

### B. Consequential Damages

Regardless of any other term of this Agreement, in no event shall either party be responsible or liable to the other for any incidental, consequential, or other indirect damages.

## XI. CONSULTANT'S INSURANCE

Consultant shall procure and maintain the following minimum insurance:

1. Commercial general liability insurance, including personal injury liability, blanket contractual liability and broad-form property damage liability coverage. The combined single limit for bodily injury and property damage shall be not less than \$1,000,000.
2. Automobile bodily injury and property damage liability insurance covering owned, non-owned, rented, and hired cars. The combined single limit for bodily injury and property damage shall be not less than \$1,000,000.
3. Statutory workers' compensation and employer's liability insurance as required by state law.
4. Professional liability insurance. The policy limit shall be not less than \$1,000,000.

Client shall be named as additional insured on policies 1 and 2 above. Upon request, a certificate of insurance will be provided to Client with a 30-day written notice in the event the above policies are cancelled.

## XII. CONFIDENTIALITY

Consultant agrees it will maintain the confidentiality of material it receives from Client which Client has clearly identified as "Confidential" and will not disclose, distribute, or publish to any third party such confidential information without the prior permission of Client. Notwithstanding the foregoing, Consultant shall have no confidentiality obligation with respect to information that:

- 1) becomes generally available to the public other than as a result of disclosure by Consultant or its agents or employees;
- 2) was available to Consultant on a non-confidential basis prior to its disclosure by Client;
- 3) becomes available to Consultant from a third party who is not, to the knowledge of



Consultant, bound to retain such information in confidence.

In the event Consultant is compelled by subpoena, court order, or administrative order to disclose any confidential information, Consultant shall promptly notify Client and shall cooperate with Client prior to disclosure so that Client may take necessary actions to protect such confidential information from disclosure.

### XIII. SUBCONTRACTS

Consultant shall be entitled, to the extent determined appropriate by Consultant, to subcontract any portion of the services to be performed under this Agreement with the written consent of Client. Subconsultant markup will be five (5) percent of subcontract cost.

### XIV. SUSPENSION OF WORK

Work under this Agreement may be suspended as follows:

1. By Client. By written notice to Consultant, Client may suspend all or a portion of the Work under this Agreement if unforeseen circumstances beyond Client's control make normal progress of the Work impracticable. Consultant shall be compensated for its reasonable expenses resulting from such suspension including mobilization and demobilization. If suspension is greater than 30 days, then Consultant shall have the right to terminate this Agreement in accordance with Article XVI, Termination of Work.
2. By Consultant. By written notice to Client, Consultant may suspend the Work if Consultant reasonably determines that working conditions at the Site (outside Consultant's control) are unsafe, or in violation of applicable laws, or in the event Client has not made timely payment in accordance with Article VI, Compensation, or for other circumstances not caused by Consultant that are interfering with the normal progress of the Work. Consultant's suspension of Work hereunder shall be without prejudice to any other remedy of Consultant at law or equity.

### XV. TERMINATION OF WORK

- A. This Agreement may be terminated by Client as follows: (1) for its convenience on 30 days' notice to Consultant, or (2) for cause, if Consultant materially breaches this Agreement through no fault of Client and Consultant neither cures such material breach nor makes reasonable progress toward cure within 15 days after Client has given written notice of the alleged breach to Consultant.



B. This Agreement may be terminated by Consultant as follows: (1) for cause, if Client materially breaches this Agreement through no fault of Consultant and Client neither cures such material breach nor makes reasonable progress toward cure within 15 days after Consultant has given written notice of the alleged breach to Client, or (2) upon five days' notice if work under this Agreement has been suspended by either Client or Consultant for more than 30 days in the aggregate.

C. Payment upon Termination

In the event of termination, Consultant shall perform such additional work as is reasonably necessary for the orderly closing of the Work. Consultant shall be compensated for all work performed prior to the effective date of termination, plus work required for the orderly closing of the Work, including: (1) authorized work performed up to the termination date plus termination expenses, including all labor and expenses, at Consultant's standard billing rates, directly attributable to termination; (2) all efforts necessary to document the work completed or in progress; and (3) any termination reports requested by Client.

XVI. ASSIGNMENT

This Agreement is binding on the heirs, successors, and assigns of the parties hereto. This Agreement may not be assigned by Client or Consultant without prior, written consent of the other. Notwithstanding the foregoing, this Agreement may be assigned by Client to the Municipal Alliance for Adaptive Management.

XVII. NO BENEFIT FOR THIRD PARTIES

The services to be performed by Consultant are intended solely for the benefit of Client, and no benefit is conferred on, nor contractual relationship established with any person or entity not a party to this Agreement. No such person or entity shall be entitled to rely on Consultant's services, opinions, recommendations, plans, or specifications without the express written consent of Consultant. No right to assert a claim against the Consultant, its officers, employees, agents, or consultants shall accrue to the construction Contractor or to any subcontractor, supplier, manufacturer, lender, insurer, surety, or any other third party as a result of this Agreement or the performance or nonperformance of the Consultant's services hereunder. Notwithstanding the foregoing, the Cities of Dover and Portsmouth are third-party beneficiaries with full access to Consultant's work product, data and communications.

XIII. FORCE MAJEURE

Consultant shall not be responsible for delays caused by circumstances beyond its reasonable control, including, but not limited to (1) strikes, lockouts, work slowdowns or stoppages, or accidents, (2) acts of God, (3) failure of Client to furnish timely information or to approve or disapprove Consultant's instruments of service promptly, and (4) faulty performance or nonperformance by Client, Client's independent consultants or contractors, or governmental agencies. Consultant shall not be liable for damages arising out of any such delay, nor shall the Consultant be deemed to be in breach of this Agreement as a result thereof.

## XIX. INTEGRATION

This Agreement represents the entire understanding of Client and Consultant as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered herein. This Agreement may not be modified or altered except in writing signed by both parties. Any purchase order issued by Client, whether or not signed by Consultant, and any terms and conditions contained in such purchase order which are inconsistent with this Agreement shall be of no force and effect.

## XX. SEVERABILITY

If any part of this Agreement is found unenforceable under applicable laws, such part shall be inoperative, null, and void insofar as it conflicts with said laws, but the remainder of this Agreement shall be in full force and effect.

## XXI. CHOICE OF LAW/JURISDICTION

This Agreement shall be administered and interpreted under the laws of the State of New Hampshire. Jurisdiction of litigation arising from the Agreement shall be in that state.

## XXII. NOTICES

All notices required under this Agreement shall be delivered by facsimile, personal delivery or mail and shall be addressed to the following persons:

Mark Allenwood, PE  
Project Manager  
Brown and Caldwell  
One Tech Drive Suite 310  
Andover, MA 01810 2435

Michael Bezanson, PE  
City Engineer  
City of Rochester  
45 Old Dover Road  
Rochester, NH 03867

Notice shall be effective upon delivery to the above addresses. Either party may notify the other that a new person has been designated by it to receive notices, or that the address or Fax number for the delivery of such notices has been changed, provided that, until such time as the other party receives such notice in the manner provided for herein, any notice addressed to the previously-designated person and/or delivered to the previously-designated address or Fax number shall be effective.

XXV AUTHORIZATION

The persons executing this Agreement on behalf of the parties hereto represent and warrant that the parties have all legal authority and authorization necessary to enter into this Agreement, and that such persons have been duly authorized to execute this Agreement on their behalf.

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

Brown and Caldwell

City of Rochester, NH

Signature 

Signature 

Printed Name Deborah Mahoney

Printed Name Blaine Cox

Title Senior Director Client Services

Title City Manager

Federal Tax ID number: 94-1446346

DESCRIPTION OF PROJECT

The Environmental Protection Agency (EPA) has issued the *National Pollutant Discharge Elimination System Great Bay Total Nitrogen General Permit for Wastewater Treatment Facilities in New Hampshire*, Permit Number NHG58A000. This NPDES permit includes an Adaptive Management Framework Voluntary Submittal, which will require ambient water quality monitoring, ~~nitrogen~~ pollution tracking and reporting these findings to the EPA. These efforts related to the Adaptive Management Framework will be undertaken by the Piscataqua Region Estuaries Partnership (PREP), DES and other stakeholders with active participation by the GBE municipalities.

Deborah Mahoney  
3MC  
1-27-21

The Project will be BC's engagement with PREP and others regarding the research and monitoring plan currently being developed for the Great Bay Estuary (GBE). BC's tasks specific to the Project include Project Management and Administration, Existing Document Review, PREP Meeting Participation, Technical Support for Monitoring and Study Plans and Technical Support for Adaptive Management Framework.

These tasks will be completed by the BC team of Mark Allenwood, Clifton Bell, Dan Hammond, Stacy Villanueva, Kirk Westphal and Andrew Goldberg. Mark Allenwood will serve as project manager, assisted by Andrew Goldberg. Clifton Bell will serve as the lead scientist, and specifically lead project components that involve communication of technical positions to PREP, regulatory agencies, and other stakeholders. Clifton Bell, Dan Hammond, Stacy Villanueva and Kirk Westphal will provide technical support on individual tasks as needed.

## EXHIBIT B

### SCOPE OF SERVICES

The following tasks will be performed to engage with the Piscataqua Region Estuaries Partnership (PREP) regarding the research and monitoring plan currently being developed for the Great Bay Estuary (GBE).

#### Task 1 –Project Management and Administration

BC shall perform project management and administration while performing Engineering Services throughout the project. Project management and administration shall include:

- i) Preparation of monthly invoices;
- ii) Preparation of monthly summaries of work;
- iii) Routine project management.

A total of 16 hours has been budgeted for Task 1.

#### Task 2- Existing Document Review

The initial task will involve review and comment on the existing documentation related to the recently issued Great Bay Total Nitrogen General Permit and the PREP monitoring initiative. The specific documents to be reviewed as a part of this task are:

- Great Bay Total Nitrogen General Permit
- EPA Response to Comments on the Great Bay General Permit
- PREP – RAMP document
- PREP Prospectus
- McDowell Pre-Proposal

Review of these documents is necessary to understand the current status of the PREP initiative, the intersection(s) between the General Permit and the PREP effort, and prepare action items in the best interests of the affected municipalities. Following review of these documents, BC will prepare a tech memo summarizing the current plan to date and providing recommended action items for involvement with PREP.

A total of 64 hours has been budgeted for Task 2.

#### Task 3 – PREP meeting participation

BC will participate in upcoming PREP working group meetings regarding the research and monitoring initiative. This scope assumes all meeting participation will occur virtually and no travel is included in this scope. Based on PREP's previous schedule, meetings are generally assumed to occur quarterly. Additional meetings with participating municipalities, DES, or other stakeholders might take place. Therefore, this scope assumes participation in five meetings between January and June 2021. This task

January 4, 2021

includes prep for each meeting, meeting participation, and an email summary of meeting notes and any proposed action items submitted to Rochester, Dover, and Portsmouth within seven working days of the meeting.

A total of 74 hours has been budgeted for Task 3.

Task 4 – As-Needed Technical Support for Monitoring and Study Plans

BC anticipates new documents or revised versions of current documents will be developed by PREP and/or EPA as this process continues. The number of documents or level of review needed cannot be anticipated at this time. Therefore, BC has included an as-needed task to cover additional technical support that may arise during our engagement with PREP and their research and monitoring initiative. Examples of activities that could be accomplished under this task include additional literature reviews, independent data analyses, reviews of PREP/agency documents, and drafting of letters or other communications to advocate technical positions.

A total of 120 hours has been budgeted for Task 4.

Task 5 - As Needed Technical Support for Adaptive Management Framework

The general permit provides the option for permittees to submit an adaptive management framework within 180 days of the effective date. This task includes technical activities to make progress on the adaptive management framework through June 1, 2020. This could include the development of recommendations for monitoring, tracking nitrogen reductions, developing water quality endpoints, or modeling. As with Task 3, Task 4 is limited by the available labor hours and will be managed accordingly. This task does not include the complete development of an adaptive management framework document, which it is assumed will occur after June 2020.

A total of 56 hours has been budgeted for Task 5.



EXHIBIT C  
COMPENSATION

For the work described in Exhibit B, compensation shall be a not to exceed fee of \$65,530.00, including labor and expenses.



INTERMUNICIPAL AGREEMENT - COST ALLOCATION SHARE RANGES (Comparison)

FACILITY NAME	DESIGN FLOW	SHARE	Annual Cost Ranges		
			\$ 100,000.00	\$ 250,000.00	\$ 500,000.00
<b>Large (&gt; 2 MGD)</b>					
Rochester	5.03	18.65%	\$ 18,652.43	\$ 46,631.07	\$ 93,262.14
Portsmouth	6.13	22.73%	\$ 22,731.49	\$ 56,828.72	\$ 113,657.43
Dover	4.70	17.43%	\$ 17,428.71	\$ 43,571.77	\$ 87,143.55
Exeter	3.00	11.12%	\$ 11,124.71	\$ 27,811.77	\$ 55,623.54
Durham	2.50	9.27%	\$ 9,270.59	\$ 23,176.47	\$ 46,352.95
Somersworth	2.40	8.90%	\$ 8,899.77	\$ 22,249.42	\$ 44,498.83
<b>Subtotal</b>	<b>23.76</b>	<b>88.11%</b>	<b>\$ 88,107.69</b>	<b>\$ 220,269.22</b>	<b>\$ 440,538.44</b>
<b>Small (&lt;2 MGD)</b>					
Pease ITP	1.20	4.45%	\$ 4,449.88	\$ 11,124.71	\$ 22,249.42
Newmarket	0.85	3.15%	\$ 3,152.00	\$ 7,880.00	\$ 15,760.00
Epping	0.50	1.85%	\$ 1,854.12	\$ 4,635.29	\$ 9,270.59
Newington	0.29	1.08%	\$ 1,075.39	\$ 2,688.47	\$ 5,376.94
Rollinsford	0.15	0.56%	\$ 556.24	\$ 1,390.59	\$ 2,781.18
Newfields	0.12	0.43%	\$ 433.86	\$ 1,084.66	\$ 2,169.32
Milton	0.10	0.37%	\$ 370.82	\$ 927.06	\$ 1,854.12
<b>Subtotal</b>	<b>3.21</b>	<b>11.89%</b>	<b>\$ 11,892.31</b>	<b>\$ 29,730.78</b>	<b>\$ 59,461.56</b>
<b>TOTAL DESIGN FLOW</b>	<b>26.97</b>	<b>100.00%</b>			

**CITY OF PORTSMOUTH  
PORTSMOUTH, NEW HAMPSHIRE**

**TWO THOUSAND TWENTY-ONE**

**RESOLUTION # \_\_\_\_\_**

**Resolution Re: Approval to Enter an Intermunicipal Agreement for  
Development of an Adaptive Water Quality Management Plan  
for Great Bay Estuary**

WHEREAS, the City of Portsmouth operates the Peirce Island Wastewater Treatment Facility (“Peirce Island WWTF”) and the Pease Wastewater Treatment Facility (“Pease WWTF”); and

WHEREAS, the Peirce Island WWTF operates as a secondary treatment plant that utilizes a biological aerated filter system and provides nitrogen removal; the facility has a design flow of 6.1 million gallons per day (mgd) and discharges the treated effluent to the Piscataqua River; and

WHEREAS, the Pease Wastewater Treatment Facility operates as a secondary treatment plant, discharging to the Piscataqua River, that utilizes a sequencing batch reactor system; the facility has a design flow of 1.2 million gallons per day (mgd) and is planned for a capacity and treatment upgrades; and

WHEREAS, the Peirce Island WWTF and the Pease WWTF are both regulated under the federal Clean Water Act and each subject to an individual National Pollution Discharge Elimination System Permit (NPDES) issued by the Environmental Protection Agency (EPA); and

WHEREAS, on November 24, 2020, EPA Region 1 issued the final Great Bay Total Nitrogen General Permit for Wastewater Treatment Facilities in New Hampshire (“General Permit”) with an effective date of February 1, 2021; and

WHEREAS, the General Permit sets nitrogen load limits for 13 New Hampshire wastewater treatment facilities discharging to the Great Bay Estuary including the Peirce Island WWTF and the Pease WWTF; and

WHEREAS, the General Permit allows for facilities covered by this General Permit to opt-in to coverage by submitting a Notice of Intent to EPA no later than April 1, 2021; and

WHEREAS, the City has elected to opt-in to the General Permit as reflected in a Resolution entitled Approval to Submit a Notice of Intent to Obtain Coverage under the Great Bay Total Nitrogen General Permit adopted by the City Council; and

WHEREAS, facilities that opt-in to the General Permit are required to participate in the development and implementation of an adaptive management plan, which would include opportunities to study and work with regulators toward scientific monitoring, development of nitrogen source reduction strategies, and eventual nutrient load capacity determinations; and

WHEREAS, NH RSA 53-a:1 permits municipalities to enter into intermunicipal agreements in their mutual benefit; and

WHEREAS, in order to more effectively and efficiently collaborate for the development and implementation of an adaptive management plan and to meet the obligations and opportunities of Part 3 of the General Permit, staff of the Cities of Dover, Rochester and Portsmouth have prepared an Intermunicipal Agreement for the Development of an Adaptive Water Quality Management Plan for Great Bay Estuary that meets the requirements of RSA Chapter 53-A.

WHEREAS, the Portsmouth City Council has indicated its interest in: (1) additional transparency in the current draft by requesting that the Executive Board Meetings described in Paragraph VI, B be open meetings in accord with RSA 91-A; and in opportunities for stakeholders and other third parties to present information to the Executive Board and at the Members Meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND PORTSMOUTH CITY COUNCIL THAT:

The City Manager is authorized to execute the Intermunicipal Agreement, either as drafted or as may be revised, so long as the final agreement contains substantially the same form and terms as the current draft- and that addresses the concerns as to transparency and participation either in the Agreement itself or by other action. The City Manager is further authorized to take such actions as may be necessary to fulfill the City's obligations under the Intermunicipal Agreement within the limits of appropriations for this and future fiscal years.

This Resolution shall take effect upon passage.

Approved:

\_\_\_\_\_  
Rick Becksted, Mayor

Adopted by the City Council  
\_\_\_\_\_, 2021

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

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# M E M O R A N D U M

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**TO:** Karen Conard, City Manager

**FROM:** Juliet T. H. Walker, Planning Director *JTW*

**DATE:** March 2, 2021

**RE:** City Council Referral – Projecting Sign  
Address: 66 Marcy Street  
Business Name: The Puddle Dock Restaurant, LLC  
Business Owner: NNE Hospitality Group LLC

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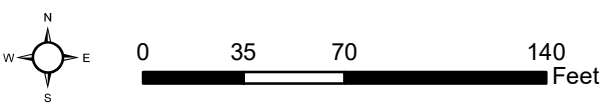
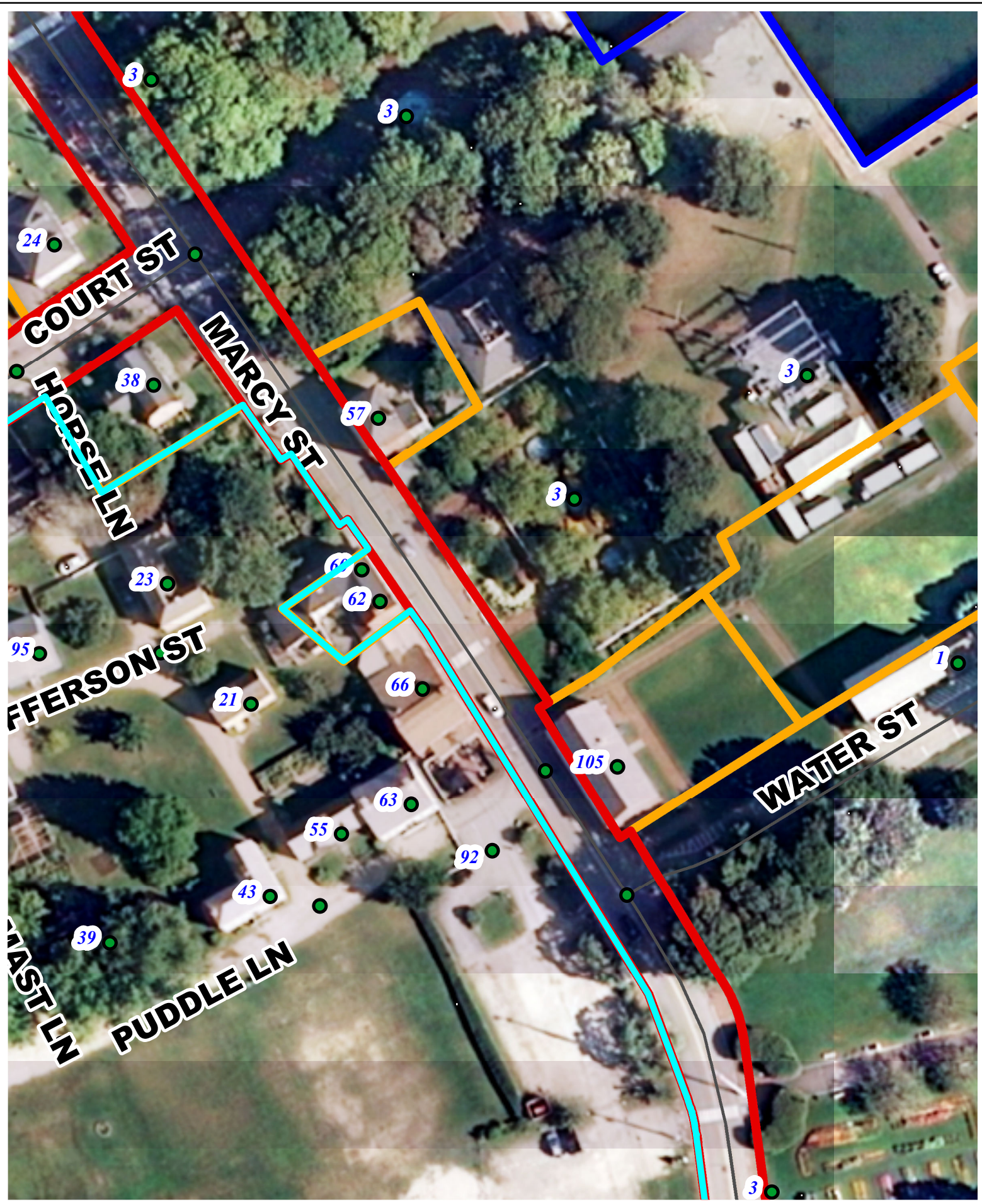
Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

Sign dimensions: 42" x 30"  
Sign area: 8.75 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.





**Request for license  
66 Marcy Street**



**Date:** 2/24/21

**Company:** Puddle Dock

**Job:** Projecting Sign

**Location:** 66 Marcy St. - Portsmouth

**Type:** Projecting

**Quantity:** 1

**Size:** 30"w x 42"h x 3"d (8.75 SQFT)

**Above Grade:** 12'

**Sides:** 2

**Style:** Flat - Digital Print w/ Laminate

**Substrate:** 3" HDU

**Posts & Brackets:** Existing

**Colors:** Puddle Dock Branded

**Install:** Y/N

# PROPOSED





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# MEMORANDUM

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**TO:** Karen Conard, City Manager

**FROM:** Juliet T. H. Walker, Planning Director *JTW*

**DATE:** March 5, 2021

**RE:** City Council Referral – Projecting Sign  
Address: 22 Market Square Unit 1  
Business Name: Portsmouth Feed Co.  
Business Owner: Henry Pariseau

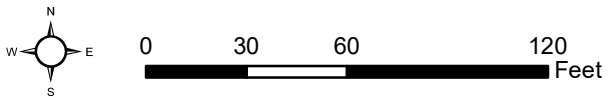
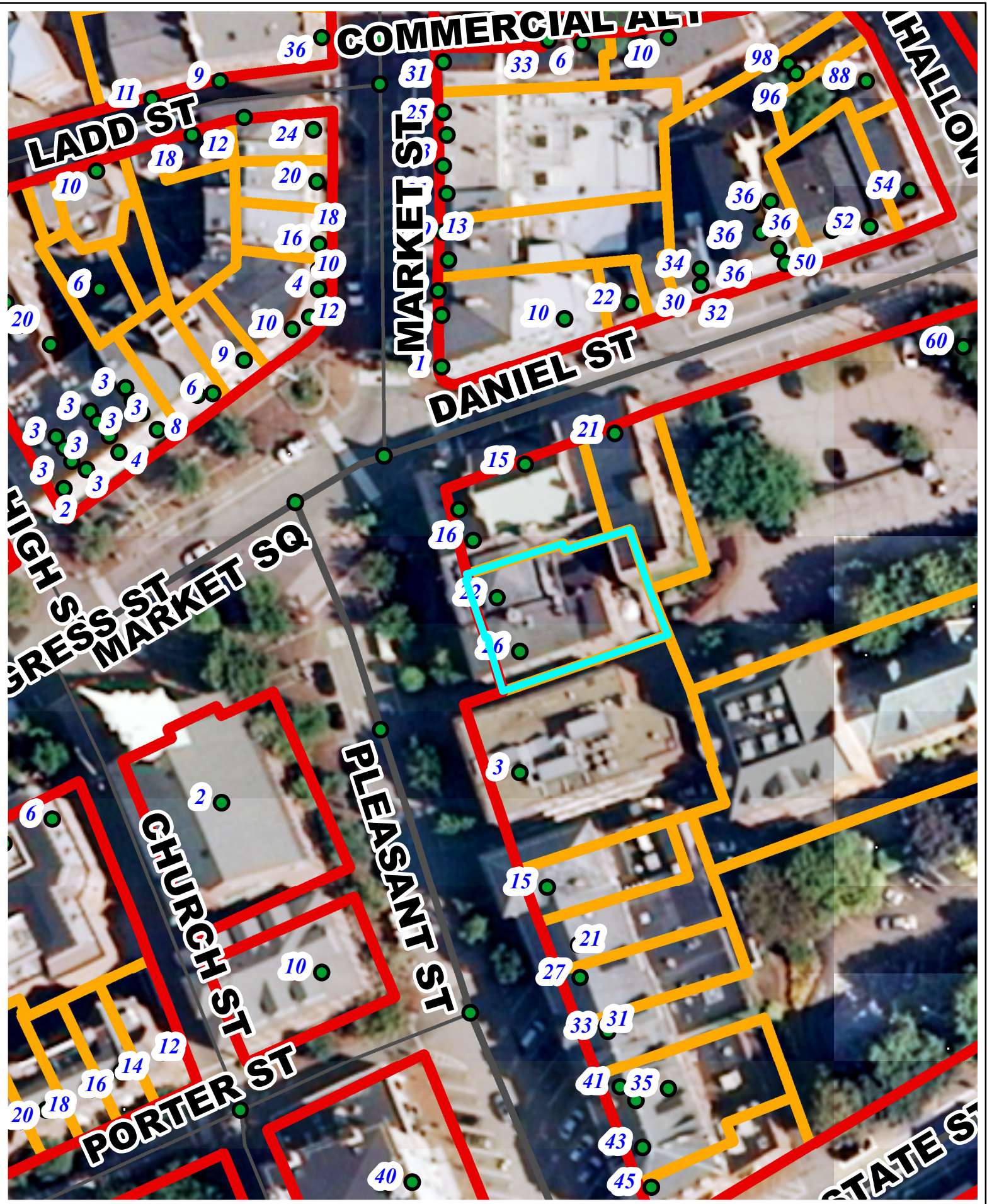
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Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

Sign dimensions: 6' x 4.5'  
Sign area: 27 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.



**Request for license  
22 Market Square Unit 1**





6'

4.5'

15'



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# M E M O R A N D U M

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**TO:** Karen Conard, City Manager

**FROM:** Juliet T. H. Walker, Planning Director *JTW*

**DATE:** March 2, 2021

**RE:** City Council Referral – Projecting Sign  
Address: 70 Congress Street  
Business Name: Sineore Cannoli  
Business Owner: Ahmed Beju

---

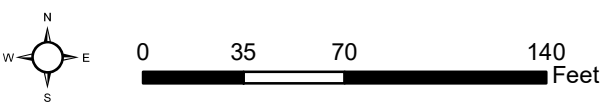
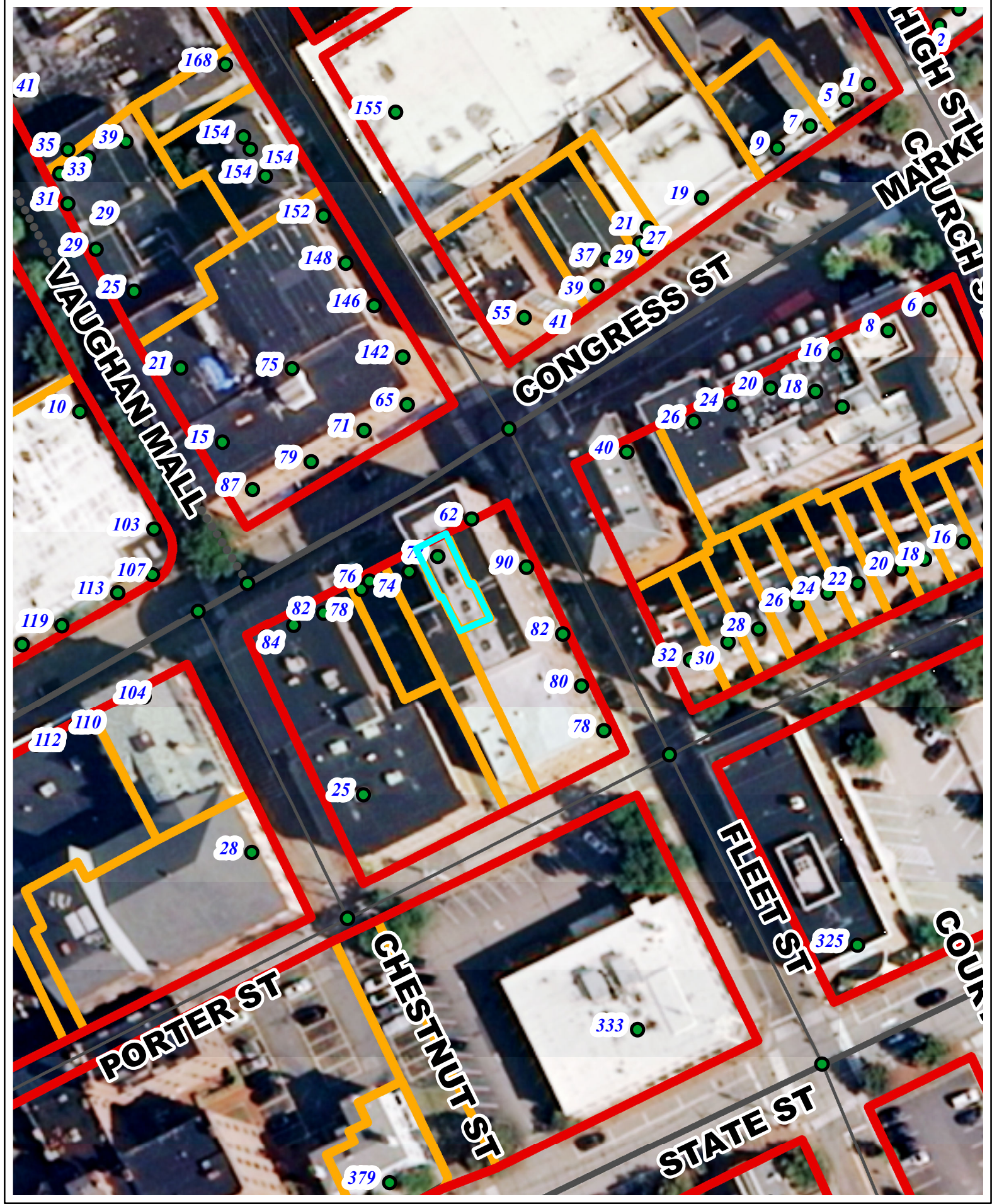
Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

Sign dimensions: 41.75" x 40"  
Sign area: 11.6 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:

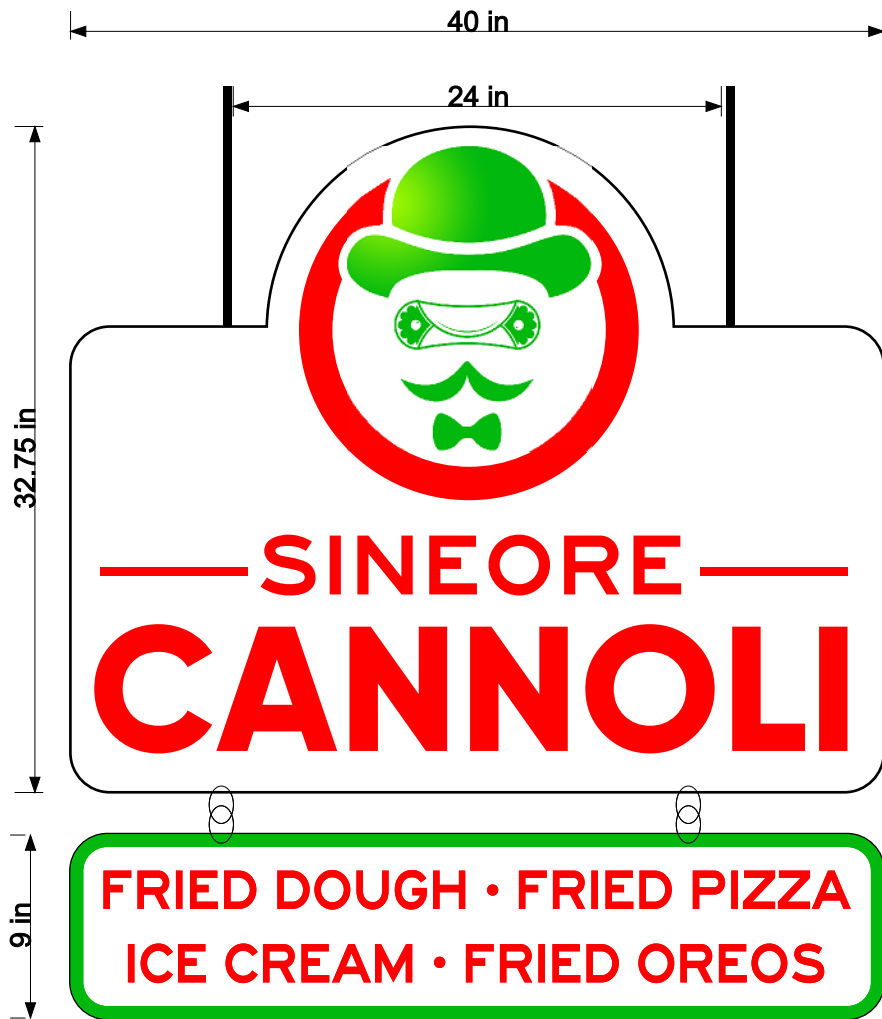
1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal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






**Request for license  
70 Congress Street**





 <p>PortsmouthSign.com 603-436-0047</p>	<p><b>REVISION:</b> All orders under \$250 include 1 revision only. All orders over \$250 include 3 revisions only. Additional revisions will be charged at \$25 per revision.</p> <p><b>PLEASE NOTE:</b> Designs are NOT actual size and color may vary depending on printer and/or monitor.</p>	<p><b>02/16/2021</b></p> <p>I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl &amp; paint colors will be used. Custom colors and specific matches to PMS colors will be an additional fee. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order.</p> <p>I authorize fabrication according to this approval.</p> <p>SIGNATURE: _____ Date: _____</p>	<p><b>RETURN SIGNED TO: <a href="mailto:carrie@portsmouthsign.com">carrie@portsmouthsign.com</a></b></p>
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<p>Shop Use Only</p>	<p>Qty: SS <input type="checkbox"/> DS <input type="checkbox"/></p>	<p>Materials: _____</p>	<p>Background Color: _____</p>	<p>Vinyl Color: HP <input type="checkbox"/> Int <input type="checkbox"/></p>	<p>Other: _____</p>
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Portsmouth, New Hampshire  
Babe Ruth Baseball

February 22, 2021

Karen Conard  
City Manager  
City of Portsmouth,  
Portsmouth, NH 03801

Dear Ms. Conard:

Portsmouth Babe Ruth is respectfully requesting approval for temporary signage to be located at Leary Field during the 2021 baseball season.

We are requesting permission to affix signage in the form of banners to be attached to the fences surrounding the outfield and foul lines Leary Field as well as the outside of the concession stands following the established color guidelines. The signage represents advertising for local businesses that have donated to and support the league. We are requesting permission to affix the banners to the fences from May 1st through the end of October. Signage provides the league with a continued revenue stream that helps us meet our goals each year.

The success of our program is indicative of the support we receive from organizations in our City. We are grateful for all the support we have received in the past and plan to continue to offer a safe and quality program that meets the needs of the community we serve. We appreciate the opportunity to show our supporters they are valued in our community.

I can be reached at [isirmaian@gmail.com](mailto:isirmaian@gmail.com) or 603-828-5578 for any questions. I look forward to hearing from you for confirmation of this request.

Sincerely,

*Alysse D. Sirmaian*

Ilysse D. Sirmaian  
Fundraising Coordinator  
Portsmouth Babe Ruth

CITY COUNCIL E-MAILS

March 15, 2021 (after 4:00 p.m.) – March 18, 2021 (before 9:00 a.m.)

March 22, 2021 Council Meeting

Below is the result of your feedback form. It was submitted by Erik Anderson ([andy42152@aol.com](mailto:andy42152@aol.com)) on Monday, March 15, 2021 at 16:30:32

-----  
address: 38 Georges Terrace

comments: Dear Councilors,

With recognition to your busy schedules there is a sceduled PDA BOD meeting on Thursday 3/18/21. There is a non-public session from 8:00 - 9:00 am with the public session beginning at 9:00 am.

There are a variety of agenda items but the most note worthy are

1) Voting for the approval of application for a 2nd Fixed Base Operator (FBO) at Pease Airport. I think I've stated the issue in previous messages. The application is from Pease Aviation Partners, LLC (PAP) / Million Air. There are conditional issues w/ the acceptance of the application that have environmental concerns and will be dealt with by the BOD as this project proceeds in a two (2) phased approach. There is a tone of controversy in allowing PAP's application going forward as the FAA dictates policy and procedure. There are conditional issues that PAP must meet before being granted operational status.

2) LONZA is seeking "in accordance w/ PDA Land Use Controls, which allows the Board to waive any portion of the of the site review regulations under stated conditions. LONZA be granted a reinstatement of its 2019 site review approval for rear yard infrastructure related improvements at 101 International Drive provided that within one (1) year of the date of the approval LONZA obtains a building permit and begins work on the project" . I don't think there is much controversy in this motion and it reflects a procedural process.

3) There are no other agenda items that I think are cause of concern for the City.

4) If there are concerns that any councilor wants brought forward please reply or contact me to do so as I'm honored to represent the city.

With thanks to your time

Erik Anderson

includeInRecords: on

-----  
Below is the result of your feedback form. It was submitted by Christine Larkin ([Chrislarkin01@gmail.com](mailto:Chrislarkin01@gmail.com)) on Tuesday, March 16, 2021 at 09:24:57

-----  
address: 191 Summer Street

comments: I was a member of the original Portsmouth Listens many years ago where we discussed the City's Master Plan. One of the issues discussed was the access roads to downtown and how important this is to the vibrancy of Portsmouth. It must be 25 years now and Islington Street looks much the same and yet it is a major street used to access downtown. Its beaten down look gives the wrong impression of Portsmouth and is a slap in the face to residents who have invested their hard earned money to revitalize this area.

Finish the project by next year and let all of Portsmouth benefit with our tax dollars.

includeInRecords: on  
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Below is the result of your feedback form. It was submitted by Jim Hewitt ([samjakemax@aol.com](mailto:samjakemax@aol.com)) on Wednesday, March 17, 2021 at 16:22:07

-----  
address: 726 Middle Road

comments:

-----Original Message-----

From: JAH <[samjakemax@aol.com](mailto:samjakemax@aol.com)>

To: [dexter.legg@gmail.com](mailto:dexter.legg@gmail.com) <[dexter.legg@gmail.com](mailto:dexter.legg@gmail.com)>; [clarkcj7@gmail.com](mailto:clarkcj7@gmail.com) <[clarkcj7@gmail.com](mailto:clarkcj7@gmail.com)>; [chellman@tndengineering.com](mailto:chellman@tndengineering.com) <[chellman@tndengineering.com](mailto:chellman@tndengineering.com)>; [pharris\\_portsnhplan@icloud.com](mailto:pharris_portsnhplan@icloud.com) <[pharris\\_portsnhplan@icloud.com](mailto:pharris_portsnhplan@icloud.com)>; [pawhelan@comcast.net](mailto:pawhelan@comcast.net) <[pawhelan@comcast.net](mailto:pawhelan@comcast.net)>; [kconard@cityofportsmouth.com](mailto:kconard@cityofportsmouth.com) <[kconard@cityofportsmouth.com](mailto:kconard@cityofportsmouth.com)>

Cc: [andy42152@aol.com](mailto:andy42152@aol.com) <[andy42152@aol.com](mailto:andy42152@aol.com)>

Sent: Mon, Mar 15, 2021 10:51 pm

Subject: LONZA Biologics proposed 1 Million Square Foot Expansion & Water Use

Dear Chairman Legg and Planning Board members:

I understand at the next planning board meeting on March 18, LONZA Biologics will be asking the Planning Board to approve Conditional Use Permits related to the expansion its facility at the Pease Development Authority. (PDA)

According to NHDES OneStop, Registered Water User (state.nh.us) in 2020 LONZA used 359,000 gallons of water per day at its existing 1 million square foot facility. Therefore it is reasonable to assume the proposed 1 million square foot facility will use an additional 359,000 gallons per day. (enough water to supply 1,500 homes) 359,000 gallons represents 30% of the PDA water system supply capacity of 1.206 million gallons per day (consisting of the Haven Well (now off line) , Smith Well and Harrison Well). After this expansion is complete, LONZA alone will consume 60% of the PDA's water system capacity.

Therefore as stewards of the public trust, it behooves the Planning Board to table this CUP request until the following questions are answered to the Planning Board's satisfaction

- 1) What is the current safe yield of the PDA water system's 3 supply wells (Haven, Smith and Harrison) ?
- 2) When is the Haven Well (the PDA's most productive well at 524 gpm or 755,000 gallons per day) scheduled to be back on line ?
- 3) What assurances has the PDA given Portsmouth that this LONZA expansion project, and future PDA projects, will not require the Portsmouth Water System to supply water to the PDA water system in order to satisfy the PDA demand ?
- 4) When will the Portsmouth Water System and PDA water system return to being operated as independent and separate water systems as they were from the late 1950's until May, 2014 ?

City Hall should not have the sole authority to dole out huge chunks of water like Santa tossing candy from a parade float. Water allotments of this magnitude should first be made as a request to the Planning Board for a recommendation and then final approval with the City Council.

Our finite water resources belong to the People of Portsmouth, not City Hall.

Regards,

Jim Hewitt

P.S. The Portsmouth Water System has been supplying about 1/3 of the water the PDA needs since the Haven Well when off line in May , 2014 from PFAS contamination. See attached water supply and demand spreadsheets for the Portsmouth Water System and PDA Water System for 2019. Below and attached is additional and back up information.

<https://www.seacoastonline.com/news/20190917/city-did-not-protect-against-lonza-water-grab>

<https://www.seacoastonline.com/news/20190930/city-water-ratepayers-subsidizing-pease-golf-course>

<https://www.seacoastonline.com/news/20180424/lonza-expansion-will-stress-portsmouths-resources>

Portsmouth Annual Water Quality Report - Page 1 - Created with Publitas.com

Pease Tradeport Annual Water Quality Report - Page 1 - Created with Publitas.com

[http://files.cityofportsmouth.com/publicworks/Portsmouth\\_WaterSystem\\_MasterPlan\\_2013.pdf](http://files.cityofportsmouth.com/publicworks/Portsmouth_WaterSystem_MasterPlan_2013.pdf)

includeInRecords: on

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March 15, 2021

Subject: Safety and Walkability along Chevrolet Avenue to the 800 Islington Street Mall

Mayor Becksted and Members of the City Council

The Citywide Neighborhood Committee (CNC) is requesting the City Council to ask the Department of Public Works to expedite the completion of the design phase of the Chevrolet Avenue sidewalk project which has been inactive for a number of months.

**Background:**

Residents have been asking to have sidewalks and proper lighting along Chevrolet Avenue and the cut-through to the 800 Islington Street Mall to improve safety and walkability. See the map on Attachment 1. In recent months, there have been several new residential housing developments in this neighborhood with more residents walking and shopping in nearby shopping areas. Traffic has also been increasing and more drivers use a convenient cut-through (on an un-named new street) to the 800 Mall area. Pedestrian safety is the principal issue which has been brought up in a number of prior CNC meetings in recent months and at a Ward 2 Forum in 2019.

**DPW's Next Step:**

The project can't go forward without property owners giving consents to have public sidewalks and street lights constructed on their land. However, with no **design plan** to show them, the City can't begin to negotiate for this easement. Therefore, to move the project forward, this plan needs to be finalized. Two developers have provided funds for this work. Moreover, Director Peter Rice is optimistic that the City can successfully negotiate the easements once the design is completed. At that juncture, construction costs can be determined and budgeted.

The Citywide Neighborhood Committee is willing to work with DPW and neighborhoods to help move this project to completion. We are asking the City Council to encourage DPW to complete this next phase in an expeditious manner, including but not limited to, consulting with the Planning Department as to what zoning is in place for these parcels of land and whether that impacts the project and also with the City Attorney's office about the issue of negotiating easements or taking the land through eminent domain. DPW has already done survey work and deed research as to the parcels of land.

Please find a selection of relevant comments from residents and Police Chief Mark Newport on Attachment 2.

Respectfully submitted

/S/ Larry Cataldo

Chair – Citywide Neighborhood Committee

Att. (2)

Map showing sidewalk locations along Chevrolet Avenue to the Cut-through road.



Source: Portsmouth Property Tax Map.

Note: On several maps, the cut-through road is labeled Chevrolet Avenue.

## Comments on the issue of sidewalks on Chevrolet Avenue and the cut-through to Hannaford's

Juliet Grant: ... the problem is that on Chevrolet Avenue, right as you come off of it onto Cass Street, there is not any sidewalk that extends the whole street, particularly the mini shopping center area e.g., behind Mojors Restaurant. There is more development there - new homes on Cass Street and the development on Chevrolet Avenue. In short, there is no specific safe place to walk as a pedestrian. At night time, it is particularly hard to see and be seen, especially with snow on the road. . . (January 27 Meeting Minutes)

Christine Bastianelli: "I am writing in support of putting in a sidewalk on Chevrolet Avenue. It was my understanding, early in the process, that along with the new apartments at Plaza 800, we were supposed to have a sidewalk that ran the entire length of Chevrolet to Cass Street, where I live. I was excited by this since there is a lot of foot traffic on that road. As soon as those apartments went in, along with the Frank Jones apartments, the vehicular traffic increased dramatically. It does not seem that the people who live in the new apartments understand how many people walk on Chevrolet and it has become quite dangerous. Many people walk and bike on this road, and the way it is currently designed encourages cars to speed through. A sidewalk would go a long way to making this area safer for all. "

Diane Sterling: ... There was a Ward 2 Meeting on this issue 1.5 years ago now and I have talked to DPW Director Rice about it more than a few times but nothing has been done to date... (January 27 Meeting Minutes)

Kathy Bergeron (former CNC chair): "Diane Stradling did bring the Chevrolet issue up at a Forum in 2019, along with others. I had been following up with it, and I know that as of September, 2019 there was some initial attempts at contact with the Malt House Exchange Property owner, and talk of tying in sidewalks with the Chinburg project. I just looked, and apparently it never actually made it to the CIP, likely because they were waiting until the Chinburg apartments were finished, which was last summer."

Susan Neilson: "... on Chevrolet Ave, we have walked this route many times on our way to get groceries, work out, guitar strings, Rite Aid, sometimes at night. We are in complete support of sidewalks on Chevrolet Ave."

Diane Schaefer (Wibird): "We're in total support! My husband and I walk Chevrolet Ave all the time and it's always a challenge. We cross from our neighborhood at the intersection of Park and Cass Streets and would love to see a flashing pedestrian light there to make it safer."

Christina Lusky: "It sounds like a good idea."

Hubert Krah: "I would love to see this project happen, I live on Cass Street and regularly walk my dogs in this area."

Monique Shevlin (business owner): "I am a Portsmouth resident and work in the West End neighborhood on Brewery Lane. I would very much encourage improvements to Chevrolet Avenue. I would say there are about 4-5 of us who (in better weather) regularly walk that unnamed street (wouldn't it still be Chevrolet?)."

Ronda Caron: "I would love to have sidewalks on Chevrolet Ave. I live ... (on) Thaxter Rd./West End very close to Hannaford's."

Chief Newport, Portsmouth Police Department, commenting on traffic on Chevrolet Avenue: ...traffic has picked up significantly due to development. Chevrolet Avenue is now a quick cut-through to get through to Hannaford's. . . . (January 27 Meeting Minutes)



Cliff Lazenby - City Council <lazenbyforportsmouth@gmail.com>

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## FW: thank you

Karen Conard <kconard@cityofportsmouth.com>

Mon, Mar 15, 2021 at 3:00 PM

To: "asstmayorjimsplaine@gmail.com" <asstmayorjimsplaine@gmail.com>, Cliff Lazenby <lazenbyforportsmouth@gmail.com>, Deaglan McEachern <Deaglan.McEachern@gmail.com>, Esther Kennedy <estherkennedyportsmouth@gmail.com>, "John K. Tabor Jr." <johntaborportsmouth@gmail.com>, Paige Trace <paigetraceportsmouth@gmail.com>, Peter Whelan <peterwhelanportsmouth@gmail.com>, Petra Huda <pahuda384@gmail.com>, "Rick Becksted (mayorbecksted@gmail.com)" <mayorbecksted@gmail.com>  
Cc: "Kelli L. Barnaby" <klbarnaby@cityofportsmouth.com>, "Robert P. Sullivan" <rpsullivan@cityofportsmouth.com>

Good afternoon Honorable Mayor and City Council Members –

Please be advised that in an attempt to clarify the stance of NHDOT relative to the motion before the Council for consideration at this evening's Council Meeting, I reached out to Bill Watson directly last Thursday. I then asked if he would participate in a call with the Mayor, which we had later that same day. Below is the synopsis from Mr. Watson.

As mentioned to the Mayor earlier this afternoon, I would like to share that I am not supportive of taking up a motion that has not been advertised per Council rules and practice. It is my understanding that there is a desire to amend the motion in tonight's Council Meeting Agenda to include this language.

Regards,

Karen

**From:** WatsonJr, Bill [mailto:WILLIAM.E.WATSONJR@dot.nh.gov]  
**Sent:** Monday, March 15, 2021 11:25 AM  
**To:** Karen Conard <kconard@cityofportsmouth.com>  
**Cc:** Rick Becksted (mayorbecksted@gmail.com) <mayorbecksted@gmail.com>  
**Subject:** RE: thank you  
**Importance:** High

Good Morning Mayor and Karen –

I hope that things are well in NH. This weekend's snow has delayed me getting back to NH until tomorrow night. However, technology certainly is wonderful for managing activities remotely!

With regards to our phone conversation, and your approach to tonight's meeting, I would suggest a motion/discussion that encompasses the following points:

- The City of Portsmouth, through the Mayor and City Council, have expressed concerns over implemented infrastructure changes along Middle Street in Portsmouth. Specifically, in the area of Middle Street from Cabot Street to Lincoln Avenue, changes in parking (moving bikes to the curb line and parked vehicles away from the curb) has created concern and controversy

- Many within the City would prefer to flip flop parking and bike access back to the way it was, and perhaps reroute bikes along adjacent parallel streets. Doing so, without justification of safety or engineering review support would jeopardize all federal funds invested in the total project, not just the section in question.
- An independent review of the work completed vs. what was on plans shows that most of the work was done as intended. Only minor modifications were recommended as part of the review completed.
- This review has not addressed the safety concerns expressed by the City Council, Mayor and others.
- The Department recognizes that these concerns exist and continues to be open to discussing and entertaining alternative approaches, as long as there are publicly supported engineered solutions that any final decisions are based upon.
- The Department is open to allowing the City of Portsmouth six months to explore alternative solutions to the current implemented solutions. In this six month time frame, the following would be acceptable to occur:
  - In the six month interim, the City of Portsmouth is allowed to flip-flop the car parking/bike lane back to its original configuration
  - In this six months, City staff (or a consultant) should be reviewing crash and traffic data to be able to compare to previous data collected.
  - In this six month period, the City will engage with a consultant to design and hold public meetings to explore and determine if there is a solution that allows for continued safe bicycle route as the original purpose and need of the project.
  - At the end of the six month period, there will need to be final discussion and decision between City Staff, Elected Officials and the Department as to what the final configuration of bike lanes along Middle Street (or other acceptable options) will look like.
  - If the final decision is that the current configuration is still appropriate, then the lane configuration will need to be flopped back. If another configuration is chosen, then an acceptable timeframe to implement those changes will be agreed to.
  - Upon completion of all of these steps, whatever is considered acceptable to the City and State will not require any payback.

This is probably too much for a motion, but it includes all of the points that I think we talked about, with a little more detail about logistical steps.

Please do not be afraid to cut this down as you feel appropriate. If you feel that any changes you make may affect our shared understanding, please reach out to me.

My direct cell # is 603-724-4777.

Regards,

Bill

---

William Watson Jr., PE Administrator

P - 603-271-3344 F - 603-271-8093

[Bill.Watson@dot.nh.gov](mailto:Bill.Watson@dot.nh.gov)

NH Department of Transportation  
Bureau of Planning and Community Assistance  
7 Hazen Drive  
Concord NH 03301



**From:** Karen Conard <kconard@cityofportsmouth.com>  
**Sent:** Thursday, March 11, 2021 5:01 PM  
**To:** WatsonJr, Bill <WILLIAM.E.WATSONJR@dot.nh.gov>  
**Cc:** Rick Becksted (mayorbecksted@gmail.com) <mayorbecksted@gmail.com>  
**Subject:** thank you

**EXTERNAL:** Do not open attachments or click on links unless you recognize and trust the sender.

Good afternoon Bill –

Thank you for speaking with Mayor Becksted and me earlier. The Mayor is copied here. We look forward to receiving your suggested motion language prior to our next Council Meeting on Monday evening.

Take care, thanks again and safe travels back to NH –

Karen

**Karen S. Conard**  
City Manager  
City of Portsmouth, NH  
O: (603) 610-7201





Good Morning Mayor and Karen —

I hope that things are well in NH. This weekend's snow has delayed me getting back to NH until tomorrow night. However, technology certainly is wonderful for managing activities remotely!

With regards to our phone conversation, and your approach to tonight's meeting, I would suggest a motion/discussion that encompasses the following points:

- The City of Portsmouth, through the Mayor and City Council, have expressed concerns over implemented infrastructure changes along Middle Street in Portsmouth. Specifically, in the area of Middle Street from Cabot Street to Lincoln Avenue, changes in parking (moving bikes to the curb line and parked vehicles away from the curb) has created concern and controversy
- Many within the City would prefer to flip flop parking and bike access back to the way it was, and perhaps reroute bikes along adjacent parallel streets. Doing so, without justification of safety or engineering review support would jeopardize all federal funds invested in the total project, not just the section in question.
- An independent review of the work completed vs. what was on plans shows that most of the work was done as intended. Only minor modifications were recommended as part of the review completed.
- This review has not addressed the safety concerns expressed by the City Council, Mayor and others.
- The Department recognizes that these concerns exist and continues to be open to discussing and entertaining alternative approaches, as long as there are publicly supported engineered solutions that any final decisions are based upon.
- The Department is open to allowing the City of Portsmouth six months to explore alternative solutions to the current implemented solutions. In this six month time frame, the following would be acceptable to occur:
  - In the six month interim, the City of Portsmouth is allowed to flip-flop the car parking/bike lane back to its original configuration
  - In this six months, City staff (or a consultant) should be reviewing crash and traffic data to be able to compare to previous data collected.
  - In this six month period, the City will engage with a consultant to design and hold public meetings to explore and determine if there is a solution that allows for continued safe bicycle route as the original purpose and need of the project.
  - At the end of the six month period, there will need to be final discussion and decision between City Staff, Elected Officials and the Department as to what the final configuration of bike lanes along Middle Street (or other acceptable options) will look like.

- If the final decision is that the current configuration is still appropriate, then the lane configuration will need to be flopped back. If another configuration is chosen, then an acceptable timeframe to implement those changes will be agreed to.
- Upon completion of all of these steps, whatever is considered acceptable to the City and State will not require any payback.

This is probably too much for a motion, but it includes all of the points that I think we talked about, with a little more detail about logistical steps.

Please do not be afraid to cut this down as you feel appropriate. If you feel that any changes you make may affect our shared understanding, please reach out to me.

My direct cell # is 603-724-4777.

Regards,

Bill

---

William Watson Jr., PE Administrator

P - 603-271-3344 F - 603-271-8093

[Bill.Watson@dot.nh.gov](mailto:Bill.Watson@dot.nh.gov)

NH Department of Transportation

Bureau of Planning and Community Assistance

7 Hazen Drive

Concord NH 03301



**From:** Karen Conard <[kconard@cityofportsmouth.com](mailto:kconard@cityofportsmouth.com)>  
**Sent:** Thursday, March 11, 2021 5:01 PM  
**To:** WatsonJr, Bill <[WILLIAM.E.WATSONJR@dot.nh.gov](mailto:WILLIAM.E.WATSONJR@dot.nh.gov)>  
**Cc:** Rick Becksted ([mayorbecksted@gmail.com](mailto:mayorbecksted@gmail.com)) <[mayorbecksted@gmail.com](mailto:mayorbecksted@gmail.com)>  
**Subject:** thank you

**EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.**

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Good afternoon Bill –

Thank you for speaking with Mayor Becksted and me earlier. The Mayor is copied here. We look forward to receiving your suggested motion language prior to our next Council Meeting on Monday evening.

Take care, thanks again and safe travels back to NH –

Karen

**Karen S. Conard**

City Manager

City of Portsmouth, NH

O: (603) 610-7201



## FINANCE DEPARTMENT



## MEMORANDUM

To: Karen Conard, City Manager  
From: Judie Belanger, Director of Finance and Administration  
Date: March 17, 2021  
Re: Report back from March 15, 2021 City Council Meeting

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Attached are the requested information from the March 15, 2021 City Council meeting, Councilor Huda made a motion and Council voted that the City Manager provide an update to:

1) The bonds issued and authorized un-issued report previously provided that identifies the CIP Projects listed under the description of:

- Bi-Annual Street Paving
- Bi-Annual Sidewalk Improvements
- School Building Improvements
- Elementary School Improvements
- Citywide Bridges
- Citywide Bridge Improvements
- Citywide Building Improvements
- Annual Waterline Replacements
- Annual Sewer Line Replacements
- Pumping Station Upgrades

*SEE ATTACHED*

2) Construction timing prioritized or adjusted then funded for the Capital Improvement Plan:

- Islington Street Construction
- Elwyn Road Sidewalks
- Peverly Hill Sidewalks
- Sound Barrier Wall Construction Off I-95
- Middle Road & Route 33 Safety Updates
- Maplewood Bridge Construction

***Islington Street Construction***

The most recent information on this project is listed on the City's Web site. Currently Phase 1A (from Route 1 By-pass to Albany Street) of this program is near completion and Phase 1B (from Albany Street to Dover Street along with Columbia Street and Columbia Court) will begin construction in the Spring of 2021. Preliminary Design of Phase 2 from Dover Street to Congress Street is complete and final design/construction is currently shown in the City's Capital

Improvement Plan for funding in FY27. The City Council has indicated that they plan to move this schedule to FY22. Final design will better define the construction sequence, traffic detour plans and refined opinion of cost to complete this work.

### ***Elwyn Road Sidewalks***

The most recent information on this project is listed on the City's Web site. This project is currently in design. A public input meeting was held on October 27, 2020.

### ***Peeverly Hill Sidewalks***

The most recent information on this project is listed on the City's Web site. A public meeting was held on February 17, 2021 and follow-up will be submitted to City Council on March 22, 2021.

### ***Sound Barrier Wall Construction Off I-95***

The DOT is in the process of conducting a Type II community noise assessment to identify eligible locations for Type II noise abatement measures. They hope to have the study finished by late spring/early summer 2021. Once the study is completed, funding of the Type II program would still need to be provided by the state. The City would be required to contribute 20% of the total project cost (engineering and construction). In prior year budgets the City Council has encumbered \$250,000 which is available to implement this effort.

### ***Middle Road & Route 33 Safety Updates***

The current status of these project are posted on the City's Web site along with recordings of public meetings. The implementation of this effort will begin with a pilot of traffic calming treatments to allow residents and design staff the opportunity to evaluate their effectiveness. Funding for the implementation of the selected treatments are identified in the City's Capital Improvement Plan for FY22 and FY24.

### ***Maplewood Bridge Construction***

The most recent information on this project is listed on the City's Web site. This project is currently in design and is identified in the FY22 Capital Improvements Plan for funding in FY22. The current anticipated schedule would be to complete the design in the fall of 2021 with construction to start the spring of 2022.

## ISSUED BONDS

## June 2016 Bond Issue

Authorized	Bond Issued
<b>General Government</b>	
<b>8/17/2015</b>	<b>School Building Improvements</b> <b>500,000</b>
	Bus loop behind New Franklin School in conjunction with Stark Street (Route 1) Bridge replacement by DOT High School Roof - Replacement of gymnasium, auditorium, auto shop roofs in conjunction with solar array project Upgrade/installation of elementary school exterior door hardware and security shading at exterior windows Dondero Playground - Match contributions from PTA in upgrades to school playground including "spider dome" and swing system New Franklin Deck - Replacement of deteriorating playground metal decking with rubber coated alternative High School Auditorium - Upgrades to digital sound system for theater production, music performance, etc.
<b>4/6/2015</b>	<b>Elementary School Improvements</b> <b>5,000,000</b>
	Little Harbour School - Comprehensive upgrade of building infrastructure, systems, interior spaces - Phase 1
<b>8/17/2015</b>	<b>Bi-Annual Street Paving</b> <b>3,000,000</b>
	Andrew Jarvis Dr Arthur Brady Dr Bow St Buckminster Way Chestnut St Columbia St Durgin Lane FW Hartford Dr Greenleaf Ave High Hanover Area International Dr Islington St Junkins Ave Lafayette Rd Lower Memorial Park Mark St Market Square Market St Market St Phase 2 Marthas Terrace Myrtle Cul-de-sac Pleasant St Road Mgt Sherburne School South Street Summer/Austin St West Rd Woodlawn Circle
<b>8/17/2015</b>	<b>Bi-Annual Sidewalk Improvements</b> <b>800,000</b>
	Chestnut St Hanover St High Hanover Islington Maplewood Market St Memorial Bridge Parking Lot Osprey Landing Pleasant St Shurburne School Stark St

## June 2017 Bond Issue

Authorized	Bond Issued
<b>General Government</b>	
<b>4/18/2016</b>	<b>Elementary School Improvements</b> <b>5,000,000</b>
	Little Harbour School - Comprehensive upgrade of building infrastructure, systems, interior spaces - Phase 2
<b>7/11/2016</b>	<b>Citywide Building Improvements</b> <b>1,000,000</b>
	Air Sampling City Hall Central Fire Station City Hall Wall

**ISSUED BONDS**

Fire Station 2  
 Police Department  
 Redundant Dispatch Center  
 Tennis Courts

	<b>Water Fund</b>	
<b>7/11/2016</b>	<b>Annual Waterline Replacements</b>	<b>1,500,000</b>
	Cate St	
	Clough Dr	
	Foundry Place	
	Islington St	
	Maplewood Ave Area	
	Newington Booster	
	Peirce Island WWTP	
	Pleasant St	
	Stark St	
	Town of New Castle	
	<b>Sewer Fund</b>	
<b>7/11/2016</b>	<b>Annual Sewerline Replacements</b>	<b>2,500,000</b>
	Goose Bay Dr	
	Maplewood Ave Area	
	McDounough St Area	
	Hanover St	
	Cate St	
<b>7/11/2016</b>	<b>Pumping Station Upgrades</b>	<b>400,000</b>
	Mechanic St	
	Woodlands Area	
	Peirce Island Road Bridge	
	Marjorie Station	
	Heritage Ave	
	Constitution Ave	
	Lafayette	

**June 2018 Bond Issue**

Authorized	Bond Issued
<b>General Government</b>	
<b>7/10/2017</b>	<b>School Building Improvements</b>
	High School Field Lighting
	<b>550,000</b>
<b>4/3/2017</b>	<b>Elementary School Improvements</b>
	Dondero School - Comprehensive upgrade of building infrastructure, systems, interior spaces - Phase 1
	<b>5,000,000</b>
<b>7/10/2017</b>	<b>Bi-Annual Street Paving</b>
	Andrew Jarvis/Lafayette
	Arthur Rd
	Banfield Rd
	Blue Heron Dr
	Cleveland Dr
	Coolidge Dr
	Dennett St
	Dunlin Way
	Edgewood rd
	Gosling
	Gosport Rd
	Grant Ave
	Green St
	Hanover
	Harrison Ave
	Islington
	Market St Ext
	Odiorne Point Rd
	Osprey Dr
	Pierce Place
	Polk Ave
	Regina Rd
	Sanderling Way
	Shearwater Dr
	South St Clough to Junkins
	Spinney Rd
	<b>3,000,000</b>

## ISSUED BONDS

Taft Rd  
Taylor Lane  
Van Buren Ave  
Wilson rd

<b>7/10/2017</b>	<b>Bi-Annual Sidewalk Improvements</b>	<b>800,000</b>
	Chestnut St Maplewood Pleasant St Stark st City Hall Spinney Rd Market st extension Bow St	
	<b>Water Fund</b>	
<b>7/10/2017</b>	<b>Annual Waterline Replacements</b>	<b>2,500,000</b>
	Pleasant St Submarine Way Barberry Ln and Green St McDonough Area Hanover St Islington St	
	<b>Sewer Fund</b>	
<b>7/10/2017</b>	<b>Annual Sewerline Replacements</b>	<b>3,000,000</b>
	Foundry Place Green St Hapney Easement Islington Maplewood Peirce Island Bridge Woodbury/Piscataqua Dr	
<b>7/10/2017</b>	<b>Pumping Station Upgrades</b>	<b>700,000</b>
	Marjorie St Heritage Ave	

### June 2019 Bond Issue

Authorized		Bond Issued
	<b>General Government</b>	
<b>8/6/2018</b>	<b>School Building Improvements</b>	<b>500,000</b>
	New Franklin Playground - Installation of playground structure for upper grades Dondero Playground - Matching contribution to PTA/City playground upgrade High School Track - Replacement of Portsmouth High School track surface Leary Field Lighting - Matching contribution to City upgrade of field lighting	
<b>4/16/2018</b>	<b>Elementary School Improvements</b>	<b>5,000,000</b>
	Dondero School - Comprehensive upgrade of building infrastructure, systems, interior spaces - Phase 2	
<b>8/6/2018</b>	<b>Citywide Bridges</b>	<b>350,000</b>
	Kearsarge Way Bridge	
	<b>Water Fund</b>	
<b>8/6/2018</b>	<b>Annual Waterline Replacements</b>	<b>500,000</b>
	Cate St Hanover St Islington St Maplewood Ave	
	<b>Sewer Fund</b>	
<b>8/6/2018</b>	<b>Annual Sewerline Replacements</b>	<b>500,000</b>
	Cate St Green St McDonough St Stark St Hanover St Manhole covers	



## Authorized-Unissued Borrowing Authorizations

		Amount Authorized	Amount to Issue in FY21
	<b>General Government</b>		
<b>Authorized 5/20/2019</b>	<b>Elementary School Upgrades</b> New Franklin School Upgrade of building electrical systems Construction/installation of air handling (ventilation, heating, cooling) in the gymnasium, cafeteria, and kitchen Installation of energy recovery units Installation/implementation of air conditioning and dehumidification in 5 classrooms Repair/replace ceiling tiles and light fixtures as needed as a result of of installation of ductwork	<b>2,000,000.00</b>	<b>2,000,000.00</b>
<b>7/15/2019</b>	<b>Citywide Facilities Improvements</b> Discover Portsmouth Central Fire Station City Hall Police Station Spinnaker Point	<b>1,000,000.00</b>	<b>1,000,000.00</b>
<b>7/15/2019</b>	<b>Bi-Annual Sidewalk Improvements</b> Chevrolet Ave Banfield Rd Porter St	<b>800,000.00</b>	<b>400,000.00</b>
<b>7/15/2019</b>	<b>Citywide Bridge Improvements</b> Kearsarge Way Marcy St Market St Peirce Island Rd	<b>2,000,000.00</b>	<b>1,200,000.00</b>
<b>7/15/2019</b>	<b>Bi-Annual Street Paving</b> Banfield Rd Dennett St Greenland Rd Little Harbor Rd Market St South St	<b>4,000,000.00</b>	<b>2,000,000.00</b>
<b>12/7/2020</b>	<b>School Facilities Improvements</b> School security throughout the district Paving for Dondero, Little Harbour, PHS	<b>1,000,000.00</b>	<b>500,000.00</b>

## Authorized-Unissued Borrowing Authorizations

Playground work for Little Harbour, New Franklin, Dondero  
 Replacement of roofing at PHS over the Career Technical Center  
 Replacement of bleachers in the PHS gymnasium  
 Recommissioning of mechanical systems at PHS  
 Replacement of flooring in PHS library and weight rooms spaces

	<b>Water Fund</b>		
<b>7/15/2019</b>	<b>Annual Waterline Replacement</b>	<b>1,000,000.00</b>	<b>1,000,000.00</b>
	New Castle water main		
	Peirce Island water main		
	Madbury Well water main		
	<b>Sewer Fund</b>		
<b>7/15/2019</b>	<b>Annual Sewerline Replacement</b>	<b>1,000,000.00</b>	<b>1,000,000.00</b>
	Islington St		
	Maplewood Ave		
	McDonough St		
	Peirce Island Bridge Force Main		
	Temp Peirce Island Force Main		
	Pleasant St		
	Edmond Ave		

## **Citywide Neighborhood Committee Meeting, March 3, 2021, 6:30 pm**

Committee Attendees: Larry Cataldo, Lori Soloway, Mark Syracuse, Dave Cosgrove, Paul Mannle, Assistant Mayor Jim Splaine, and Beth Margeson.

City Staff: Peter Stith, Planning Department coordinated Zoom for City and Chief Newport

Members of the public present: Kathy Bergeron, Stacy Moore, Councilor Cliff Lazenby, Ken Goldman, Mary Lou McElwain, Eloise and Jerry Karabelos, Laura Brown, Maureen O’Leary, Robb Schlosser, Andrew Bagley and Kathleen Boduch.

All attendees participated by Zoom.

### Discussion Items:

I. and II. The meeting was called to order at 6:30 pm and attendance was taken.

III. Discussion of Neighborhood Issues:

1. Comments. Eloise and Jerry Karabelos spoke of their concerns about a project that is currently before the Historic District Commission to add another floor and a deck at 449 Court Street. They expressed their deep concerns about the possibility of buildings getting taller and taller in the city due to the lack of land to build on. They are also worried about the lack of neighborhood turnout at the previous work session and that, by law, abutters need only get one notice. The HDC seemed to receive the proposal favorably, which surprised them. They asked for help on getting support for neighborhoods dealing with these kinds of issues. A discussion then ensued between Paul Mannle, Committee Member, and Mary Lou McElwain of 259 South Street about the way projects do the rounds of the various land use boards to gain traction in other boards. There was also a discussion about what was needed to obtain variances from the Zoning Board of Adjustment and what a “hardship” really meant for obtaining a variance. (Note: shortly after the meeting, Eloise Karabelos reached out to Peter Stith who provided contact information.)

Robin Rousseau of 90 Fleet Street, who lives in the McIntosh Building on the corner of Fleet and Congress asked about the status of the Resident Parking program. She explained that where she lived on Fleet Street, there was no deeded parking, that most of the lots have been developed and are either no longer available or are simply too far from town. Parking was getting worse. To this, Paul Mannle, remarked that in the High Hanover parking garage 750 of 900 spaces are leased out, only leaving 150 spaces.

Larry Cataldo, replied that due to Covid, the Islington Creek neighborhood parking program was put on hold. But to go forward with it, meant to go through the Parking, Traffic and Safety Committee; implementing it was very complex. It involved creating stickers, fee structures and enforcement mechanisms. Ken Goldman, a resident of Islington Creek, had objections to the previous plan in that Islington Street were excluded to which Paul Mannle responded that this was so because there were already parking regulations on that street.

Andrew Bagley objected to a parking program in that this is a shared resource that should not be allocated to some people. He noted that there were other options to parking, including the garages and getting a monthly pass. Andrew Bagley also noted at the beginning of the meeting that he was in favor of putting sidewalks on Chevrolet Avenue and talked of the impact on the Middle Street area that was affected by the 30-hour power outage.

There was additional, wide-ranging discussion as to what a neighborhood parking program really is with Committee member Paul Mannle observing that it was less of a guaranteed parking space and more of a hunting permit allowing neighborhood residents to look for spaces set aside particularly for them. Mary Lou McElwain noted that, as a member of the Parking and Traffic Safety Committee, there was an item on the March 4 Agenda about neighborhood parking.

Chair Larry Cataldo informed the committee that he received a letter from the New Hampshire Department of Transportation about the installation of signs and a communications tower on the east side of I - 95 between Exits 5 in NH and 2 in Maine. This will impact the Atlantic Heights Neighborhood for which NHDOT will schedule a public information session shortly. Larry Cataldo already alerted Cristy Cardosa of the Atlantic Heights Association.

2. Approval of Chevrolet Avenue Letter to City Council. Chair Cataldo introduced the draft of the letter to be sent to City Council to direct DPW to expeditiously undertake the design phase of installing lights and sidewalks along the cut through to Hannaford's. The undersigned suggested two additions to the letter to include consultation with the Planning Department for information on zoning and whether or how that would impact the project and also to consult with the city attorney for an analysis on taking the land through a negotiated easement or through eminent domain. Upon motion of Mark Syracuse and a second by Lori Soloway, the committee unanimously voted to adopt the letter with the suggested changes. Vote was made by roll call.

#### IV. Committee Business

1. Recommendations on how to make the Holiday Lights contest better. Committee member and vice Chair Lori Soloway started the discussion of how to improve or expand the Holiday Lights Contest. No decision was made but the Committee engaged in a wide-ranging discussion about the categories, whether the contestants should pick their own categories, if there should be a children's categories or historic house or condominium category. Assistant Mayor Splaine suggested having a category of no lights but decorations that could be seen in the day and also be sustainable. There was discussion of finalizing this by September of 2021 so that there is enough time to get prizes.

2. Discussion of how the City Council representative can best serve the Committee. Asst. Mayor Splaine began the discussion of how a City Council representative could best serve the Committee. He stressed that he wants the committee to remain independent of the City Council and appreciates that the committee selects its own leadership and is concerned about setting precedent. He hopes that it can become even more independent of the City Council by not being

a mayoral-appointed Committee. He spoke about including the meeting minutes in the City Council packet so that the Council can remain apprised of developments in the neighborhoods and making a committee member available to speak to the Council when needed.

The undersigned endorsed the idea of putting the meeting minutes in the council packet and suggested that the role of the City Council representative is, when needed, to place items on the agenda for action by the City Council. Using the Chevrolet Avenue issue as an example, Asst. Mayor Splaine can place the letter from the CNC under his section of the Agenda to help give the city staff direction, with assistance from other departments, for installing sidewalks and lighting. As the City Council itself would need to approve easements or take the land for sidewalks via eminent domain, the councilors could begin to think about how to approach that and provide further direction to city staff. In addition, and most important, this provides the neighborhood around Chevrolet Avenue a direct route to getting their concerns addressed by the City Council, making the process more responsive to neighborhood concerns and building in efficiency at the front end of the project, rather than dealing with some issues at the approval stage by the council.

The undersigned went on to say that the CNC is uniquely positioned to serve neighborhoods in that the Chair and members are allowed to speak to city staff while the City Council representative can bring forward items for actions to the whole council. Asst. Mayor Splaine confirmed that per the City Charter, councilors are not allowed to speak to city employees except through the City Manager but that they can consult with the City Attorney.

The committee did not come to any explicit agreement or even a consensus about the topic. Asst. Mayor Splaine concluded the conversation by saying that he found a 1995 Year End Report by the CNC that he spoke to City Manager Karen Conard about and which he will be distributing to the Committee for it to consider how the CNC functioned in the past and what it was able to accomplish

3. Ward 1 Forum. Lori Soloway announced that the Ward 1 Forum will be held on **March 31, 2021** at 6:30 pm.

V. Meeting Adjournment. With no further business to discuss, the meeting was adjourned at 8:00 pm.

Respectfully submitted,

/s/ Beth S. Margeson

Beth S. Margeson  
Secretary