

CITY COUNCIL MEETING

Remote Meeting via Zoom Conference Call

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

https://zoom.us/webinar/register/WN_GFgFtTcAS0-hOFNrI81SEA

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, APRIL 19, 2021

TIME: 6:00PM

AGENDA

I. 6:00PM - WORK SESSION RE: PIERCE ISLAND MASTER PLAN

https://zoom.us/webinar/register/WN_N6qwmdJISxyXU_2aT54hWQ

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 – MARCH 15, 2021

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. *Recognition of Bram Hepburn – NH DOT Bridge Operator

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

X. PUBLIC DIALOGUE SUMMARY [when applicable] - **POSTPONED**

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

First Reading of Ordinance:

- A. First Reading of Ordinance amending Chapter 7, Article IX, Section 7.901 – PENALTIES, FORFEITURES AND SEPARABILITY

XII. MAYOR BECKSTED

(There are no items under the Mayor's name this evening)

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. *Portsmouth Outdoors, Year-round

B. COUNCILOR McEACHERN

1. *Update from the Recreation Board and recommendations of the 'Stump Dump' as preferred skate park location

C. COUNCILOR LAZENBY

1. Request for Public Placement of PFAS Health Study Lawn Signs (***Sample motion – move that the City Council approve placement on City property of lawn signs related to the CDC/ATSDR PFAS Health Study for a period of up to three months beginning April 20, 2021. The signs will measure 24”L x 18”H with graphics as contained in the attached document. Signs will be provided at no cost to the City of Portsmouth and will be placed by Pease CAP volunteers in locations approved by City staff. At the end of the approved period, all sign materials will be retrieved by Pease CAP volunteers***)
2. Request for Public Hearing Related to Indigenous Peoples' Day (***Sample motion – move to schedule a public hearing for the City of Portsmouth to recognize Indigenous Peoples' Day each year instead of what has been typically designed by the State of New Hampshire as Columbus Day***)
3. Planted for the Planet – Earth Day 2021

D. COUNCILOR KENNEDY

1. Presentation regarding Skateboard Park Improvements
2. *Skate Board Park (***Sample motion – move that the Portsmouth City Council have the City Manager put out an RFP and Fund using federal and/or state funds a Skate Board Park and a community recreation field. Given the recreational board recommendation, this park will be placed in the area that we now call the Portsmouth Stump Dump off of Route 33***)
3. *Blue Ribbon Committee (***Sample motion – move to ask the Mayor to set up a Blue Ribbon Committee to include six individuals and one city councilor to support the city in the creation of the Portsmouth skate board park***)

E. COUNCILOR HUDA

1. *New Auditor RFP and Mayor's Blue Ribbon Audit Committee Status Report
2. Bond Issuance (***Sample motion – move for a report back from the City Manager to residents and City Council on the recently completed Bond Issuance of approximately \$30 Million***)

(In preparation for the Council Session on Bonds – Date to be provided)

The purpose of this report is for the residents to see what projects are going to be funded by the issuance of these bonds and for the staff to provide the residents with the “Best Estimate Timeline” for the projects that are important to each neighborhood

This report should include the following:

- ***CIP Projects Funded by the new Bond Issuance Including:***
- ***Name***
- ***Amount***
- ***Timeline***

- **Project Estimated Start Date**
- **If an ongoing project – Please include the current % complete status of the project to be funded (i.e. what phase of the project is this bond funding – Phase 1 – 2 – 3 or the remaining 40% of Phase 1)**
- **Other relevant data that would assist residents in following their CIP projects**

F. COUNCILOR TRACE

1. ***Intersection at Congress (*Sample motion – move for a report back from City Staff on plans to resequence the traffic signals / pedestrian signals at Congress Street intersection at junction of Islington/Maplewood/Middle Street. The current lights being of serious concern to both vehicle and pedestrian traffic. It needs to be fixed now.*)**

XIV. APPROVAL OF GRANTS/DONATIONS

- A. ***Acceptance of a Donation to the Portsmouth Fire Department in memory of Vernon Boardman - \$150.00 (*Sample motion – move to accept and approve a Donation in memory of Vernon Boardman to the Portsmouth Fire Department for \$150.00*)**

XV. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager’s Items Which Require Action:

1. South Church Temporary Construction License and License Fee Waiver Request
2. One Year Extension of Portsmouth Public Media Inc.’s (PPMtv) Lease of the South Meeting House
3. Lafayette Trail Interpretive Marker Proposal
4. *Request to Manage Contract for Seacoast Stormwater Coalition
5. Portsmouth Brewery and Gaslight Temporary License for Relocating Dumpsters to Public Parking Lot
6. Tuscan Market Request for Sidewalk Café License
7. FY21 Bond Rescinding Resolution

XVI. CONSENT AGENDA

- A. Letter from Sara Curry requesting permission to hold Summer Yoga Series in Prescott Park on Tuesday’s at Noon from June through August (***Anticipated action – move to refer to the City Manager with Authority to Act***)

- B. Letter from JerriAnne Boggis, Black Heritage Trail of New Hampshire, requesting permission to hold the annual Juneteenth Celebration on Saturday, June 19, 2021 at 3:00 p.m. at the African Burying Ground Memorial (***Anticipated action – move to refer to the City Manager with Authority to Act***)

XVII. PRESENTATION & CONSIDRATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence (***Sample motion – move to accept and place on file***)
- B. Presentation and Report Back on Peverly Hill Road Complete Street Project
- C. Presentation from Peter Somssich regarding Real-Time Monitoring in NH of Radioactive Emissions in the 10-Mile Evacuation Planning Zone around the Seabrook Nuclear Facility
- D. Letter from Julia & Abigail Gindele, regarding 105 Bartlett Street Proposal
- E. Request by Paul & Kimi Gormley of 56 Salter Street for expansion of tidal docking structure within the Salter Street ROW and ROW setback

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

- 1. Report Back on Spinnaker Point as Requested by Assistant Mayor Splaine 4/5/2021
- 2. Reimbursement for COVID-19 Vaccination Efforts

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XX. ADJOURNMENT [at 10:30 p.m. or earlier]

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

**Indicates verbal report*



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

City Hall, One Junkins Avenue
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(603) 610-7201

Date: April 15, 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 April 19, 2021

Work Session:

There will be a work session this evening on the Peirce Island Master Plan.

XI. Public Hearings and Votes on Ordinances and/or Resolutions:

A. First Reading of Ordinance Amending Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability:

In its ongoing effort to ensure compliance with applicable City Ordinances, the Parking Division deploys a citation protocol with a view to encouraging residents and visitors to pay the meter system for the use of City-managed parking inventory. This protocol includes patrolling the City's parking spaces to ensure payment, and to issue parking citations when payment is not made, or a driver has allowed their session to expire without renewal. The current fine structure was last revisited in 2013.

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

To address this ongoing issue, the Parking Division initially recommended revisiting the fine structure in March 2020 to modify the four most-utilized citation categories. Those recommendations were brought before the Parking and Traffic Safety Committee (PTSC) on March 5, 2020, resulting in a unanimous vote to forward to the City Council for First Reading on March 16th prior to the COVID-19 outbreak, which put this item on hold.

The request to update the fine structure was scheduled for first reading at the February 8, 2021 City Council meeting through an amendment to Chapter 7, Article IX, Section 7.901, Penalties, Forfeitures and Separability.

The proposed amendment recommended changes to the four most utilized citation categories of parking fines: session expired; parking in no parking area; emergency snow ban and commercial loading zone. The amendment proposed increasing those fines to \$50, and after 30 days, to \$75 or \$100. The proposed amendment to Chapter 7, Article IX, Section 7.901 did not pass first reading on February 8, 2021. Council members noted they received comments from citizens concerned about the amount of the proposed increase to these parking fines and voted unanimously to refer the proposed parking fine schedule to the PTSC for a report back.

After receiving public comment, the PTSC reviewed the proposed fines for session expired, parking in no parking area, emergency snow ban and commercial loading zone at its March 8, 2021 meeting. After discussion, the PTSC voted unanimously to recommend that the parking fines for session expired, parking in no parking area, emergency snow ban and commercial loading zone be increased to \$35, and if not paid in 30 days, increased to \$55. The PTSC also acknowledged the need to review additional parking violations including safety related violations and enhanced penalties for frequent offenders at a future meeting.

The Fee Committee reviewed the PTSC's recommendations to increase parking fines as set forth above at its March 29, 2021 meeting. The Fee Committee voted unanimously to endorse these recommendations to the City Council to increase the parking fines as described in the [attached schedule](#).

The [attached amendment to Chapter 7, Article IX](#) has been changed since presented at the last Council meeting. Some housekeeping amendments have been removed because the ordinance is going back to PTSC for review of the ordinance as a whole in order to simplify the ordinance, delete obsolete sections and recommend penalties for safety violations and repeat offenders. The [attached amendment](#) includes the proposed fine increases and updates the current section numbers and titles, lists the amount each penalty will increase after 30 days and references parking violations that were in other sections of Chapter 7 but were not included in the penalty section.

I recommend that the City Council move to schedule a public hearing and second reading at the May 3, 2021 City Council meeting.

XIV. Approval of Grants/Donations:

A. Acceptance of a Donation to the Portsmouth Fire Department - \$150:

At the April 13, 2021 Fire Commission meeting, the Commission accepted a donation in the amount of \$150 in memory of Vernon Boardman.

I recommend that the City Council move to accept a donation to the Portsmouth Fire Department in the amount of \$150.

XV. City Manager's Items which Require Action:

1. South Church Temporary Construction License and License Fee Waiver Request:

The City has received the [attached request from the Unitarian Universalist Church of Portsmouth \(South Church\)](#) asking for a full or partial waiver of the license fees associated with the replacement of the slate roof. The City Council voted unanimously on March 15, 2021 to waive the building permit fee for the roof replacement. The South Church engaged in substantial fundraising in order to replace the slate roof of the historic South Church, one of Portsmouth's most iconic buildings listed on the National Register of Historic Places.

Viking Roofing, Inc., the roofers hired by the South Church, have applied for an encumbrance permit to [encumber City sidewalks, roadway and parking spaces along Church Street, Court Street and Court Place](#). Because the encumbrance of sidewalks, roadway and parking spaces will go beyond 30 days, a license is required. Under City Council Policy No. 2018-02, License Fee for Encumbrance of City Property is \$.05 per square feet and \$35 per day per parking space. The term of the license for the parking spaces on Church Street and partial road closure is from June 3, 2021 through August 1, 2021. The term of the license for the parking spaces on Court Place is from June 5, 2021 through August 15, 2021. The term for the walk through staging for the sidewalk along Court Street is from June 3, 2021 through August 15, 2021.

The total cost for encumbering city land for the partial closure of Church Street during the term of the license is \$5,628. The total cost for encumbering city parking spaces is \$14,280 (\$4,200 for two parking spaces on Church Street and \$10,080 for four parking spaces on Court Place) for a total license fee for all license areas of \$19,908.

The Planning and Legal Department have reviewed and approved the [proposed temporary construction license](#).

I recommend that the City Council move that the City Manager be authorized to execute and accept the temporary construction license regarding the South Church.

With regard to the South Church's request for consideration of a license fee waiver, given that there is no Council policy relative to license fee waivers, I am presenting this request to the Council for its consideration.

2. One Year Extension of Portsmouth Public Media Inc.'s (PPMtv) Lease of the South Meeting House:

In 2016, the City entered into a lease agreement with Portsmouth Public Media, Inc. ("PPMtv") to lease the South Meeting House located at 280 Marcy Street for a (5) five year term commencing on May 6, 2016 and terminating on May 5, 2021. PPMtv uses the South Meeting House to provide public access programming for Portsmouth citizens. Like many leases of the City's historic properties, PPMtv is obligated to expend what it would otherwise be assessed as real estate taxes on capital improvements to the property. The South Meeting House is an historic gem that is in need of costly short term repairs to stabilize the building and longer term repairs to preserve the building's historic features.

The City is in the process of getting estimates for the costs associated with the short term repairs necessary to stabilize the building. PPMtv and the City will be jointly applying for a grant from the New Hampshire Preservation Alliance to do a preservation assessment to assist the City and PPMtv in prioritizing a schedule of future repairs and improvements. This assessment will be critical for future grant applications.

The City and PPMtv have agreed to extend the current lease for a one year term. During that year, the City and PPMtv will have time to evaluate the short and long term expenditures necessary to stabilize and preserve the building, create a prioritized schedule of capital improvements and repairs, and determine an apportionment of these costs between the City and PPMtv. The lease will then come back to Council prior to the expiration of this one year extension to amend the term and add an updated schedule of prioritized capital improvements and repairs with an apportionment of costs between the City and PPMtv.

I recommend that the City Council move to approve the one year extension of PPMtv's lease of the South Meeting House with the City.

3. **Lafayette Trail Interpretive Marker Proposal:**

The City has been contacted by Julien Icher, President of the Lafayette Trail Inc., a nonprofit organization created to increase mutual understanding between the peoples of France and the United States, to raise awareness about General Lafayette's critical contribution to the founding of the United States, and to document, map, and mark Lafayette's footsteps in the United States during his 1824-1825 Farewell Tour. In implementing the organization's mission, Mr. Icher was authorized by the State Legislature to develop the trail in New Hampshire under SB217, co-sponsored by former Senator Fuller Clark in 2019.

To date, Mr. Icher has worked successfully with the cities of Cornish, Claremont, Newport, and most recently Derry and Hopkinton to erect donated markers interpreting General Lafayette's travels. He has now reached out to the City of Portsmouth to donate a Lafayette Trail interpretive sign to commemorate Lafayette's visit to Portsmouth on September 1, 1824.

Please find attached correspondence and related attachments from Mr. Icher which provide additional information about Mr. Lafayette's visit to Portsmouth, as well as what information Mr. Icher needs from the City in order to process, manufacture and ship the donated sign. If accepted, the City would only be responsible for mounting the sign atop the pole, and installing and maintaining the donated sign which would be done by the Public Works Department.

City staff has reviewed potential sites for installation of an interpretive sign related to the General's visit to the City in 1824 and, if approved by City Council, recommends one of the following locations:

- At Vaughan Mall in front of the Franklin Block Building; or
- In front of the Governor Langdon House on Pleasant Street (with permission from Historic New Hampshire); or
- In Market Square affixed to an existing sign in front of former Jefferson Hall (the former Bank of America Building).

The City is in agreement that the request from Mr. Icher for an interpretive sign of Lafayette's visit to the City would be an appropriate addition to the City's historic marker inventory and recommends approval of this request.

I recommend that the City Council move to grant the City Manager authorization to work with the Lafayette Trail organization for acceptance and installation of a donated historic marker in the City.

4. **Request to Manage Contract for Seacoast Stormwater Coalition:**

As part of the City's ongoing efforts to meet its obligations under the Environmental Protection Agency's MS4 permit regulating point and non-point source stormwater discharges, the Deputy Public Works Director, Brian Goetz, and the Deputy City Attorney, Suzanne Woodland, recommend that the City serve as fiscal agent and contract manager for certain work to be undertaken by the engineering firm VHB to be paid for by the New Hampshire Seacoast Stormwater Coalition (SSC).

The SSC, consisting of over twenty communities, is seeking to develop resources, guidance and an inspection template that towns and municipalities can use to better promote, track and enforce the implementation of best management practices (BMPs) for privately-owned parking areas and drainage infrastructure. This guidance, which will likely consist of protocols and procedures, will be available to the SSC members including the City of Portsmouth. City staff is prepared to act as the fiscal agent and administer the contract. The City of Portsmouth is currently contracted with the engineering firm VHB to develop a stormwater masterplan for Portsmouth.

The City of Portsmouth was asked by the SSC to serve as fiscal agent and manager for this SSC effort because it complements the City's ongoing work, and Portsmouth's leadership in this field is recognized in addressing permit compliance. This effort by the City and SSC will also interconnect with the collaborative efforts that are underway to satisfy Part Three of the Great Bay Total Nitrogen General Permit.

The Southeast Watershed Alliance, which is currently servicing as fiscal agent for the SSC is prepared to issue a check to the City of Portsmouth in the amount of \$33,652.27 to cover the full cost of VHB's work.

I recommend that the City Council authorize the City Manager to accept funds from the Southeast Watershed Alliance/Seacoast Stormwater Coalition for the purpose of administering a contract with VHB for the stormwater management purposes described.

5. **Portsmouth Brewery and Portsmouth Gas Light Co. Temporary License for Relocating Dumpsters to Public Parking Lot:**

Portsmouth Brewery and the Portsmouth Gas Light Co. have requested permission to temporarily relocate two dumpsters from the private alleyway behind their properties at 56 and 64 Market Street to the public parking lot located at the corner of Hanover Street and Market Street.

The purpose for this request is to enable the restaurants to expand their outdoor dining areas into the alleyway for the outdoor dining season. The proposed location is shown on the [attached plan](#) and will require use of one parking space in the lot to allow for trash trucks to turn around in the lot.

As this request is being submitted for the purposes of outdoor dining, City staff is recommending that the license fees be waived to be consistent with the Council's decision this year to waive fees for other outdoor dining uses on public property. However, given this request is for relocation of the dumpsters to public property rather than placing outdoor dining on public property, staff feel it is appropriate for the Council to make the determination on granting of this license rather than the City Manager.

I recommend that City Council move that the City Manager be authorized to execute and accept a temporary license to allow the placement of two dumpsters on a City public parking lot and that any applicable license fees be waived.

6. **Tuscan Market Request for Sidewalk Café License:**

Attorney Bosen has submitted a request on behalf of his client, Tuscan Market, for permission to use the sidewalk area in Market Square located in front of the restaurant for outdoor dining. Because this request is a modification from what the Council approved last year (2020 [plan attached](#)), City staff have advised this request should go before the Council for review and approval. [Portsmouth Feed Co.'s outdoor dining plan for 2021](#) is also included in materials for the Council's information.

As this request is being submitted for the purposes of outdoor dining, City staff is recommending that the license fees be waived to be consistent with the Council's decision this year to waive fees for outdoor dining uses on public property.

An appropriate action would be to either grant or deny the request and, if granted, authorize the City Manager to execute and accept a sidewalk café license and waive any applicable fees.

7. **FY21 Bond Rescinding Resolution:**

I am bringing forward a [resolution to rescind authorized unissued borrowing authority](#) whereas the projects have been completed leaving an unused balance in the amount of \$593,404.56. This resolution requires a majority vote of the City Council.

An unissued loan authorization remains on the City's books indefinitely, and is used in the State's debt limit calculation according to RSA 33, until such time that they are borrowed or rescinded. As a part of financial housekeeping, the following unissued General Fund, Water and Sewer Bond Authorizations should be rescinded:

General Fund

- i. Resolution #5-2019 for \$2,500,000 Rescind amount \$439,185.24

[Resolution #5-2019](#) adopted by the City Council on May 20, 2019, authorized borrowing by the City of up to Two Million Five Hundred Thousand Dollars (\$2,500,000) for the cost related to construction of a Senior Center.

The City has completed the construction of the Senior Center leaving an unused balance of borrowing authority in the amount of Four Hundred Thirty-Nine Thousand One Hundred Eighty-Five Dollars and Twenty-Four Cents (\$439,185.24).

Sewer Fund

- ii. Resolution #15-2019 for \$7,145,000 Rescind amount \$93,642.35

[Resolution #15-2019](#) adopted by the City Council on July 15, 2019 authorized borrowing by the City of up to Seven Million One Hundred Forty-Five Thousand Dollars (\$7,145,000) for Annual Sewer Line Replacements, Consent Decree Mitigation, Pleasant Street Sewers, and Maplewood Avenue Area Reconstruction.

The City has completed the aforementioned upgrades leaving an unused balance of borrowing authority in the amount of Ninety-Three Thousand Six Hundred Forty-Two Dollars and Thirty-Five Cents (\$93,642.35).

Water Fund

- iii. Resolution #16-2019 for \$4,623,000 Rescind amount \$60,576.97

[Resolution #16-2019](#) adopted by the City Council on July 15, 2019 authorized borrowing by the City of up to Four Million Six Hundred Twenty-Three Thousand Dollars (\$4,623,000) for Water Line Replacement, Reservoir Management, Madbury Wells, Water Transmission Main Replacement, Pleasant Street Water Mains, and Maplewood Avenue Area Construction.

The City has completed the project leaving an unused balance of borrowing authority in the amount of Sixty Thousand Five Hundred Seventy-Six Dollars and Ninety-Seven Cents (\$60,576.97).

I recommend the City Council move to approve rescinding the remaining borrowing authority with regard to the following resolutions:

General Fund:

- i. Resolution #5-2019 for \$2,500,000 – Rescind amount \$439,185.24*

Sewer Fund:

- ii. Resolution #15-2019 for \$7,145,000 – Rescind amount \$93,642.35*

Water Fund:

- iii. Resolution #16-2019 for \$4,623,000 – Rescind amount \$60,576.97*

(The total amount to be rescinded would be \$593,404.56).

XVII. Presentations and Consideration of Written Communications and Petitions:

B. Presentation and Report Back on Peverly Hill Road Complete Street Project:

At the April 5, 2021 City Council meeting, the Council voted to request the City Manager and staff to report back at its next meeting regarding the installation of just a sidewalk along the roadway of Peverly Hill Road in lieu of the current preferred option of a project with a sidewalk and separate multi-use path.

City staff and the City's consultant will present the requested sidewalk only alternative as well as its potential impact to funding and project schedule at this evening's meeting.

The City obtained a State/Federal grant through the Congestion Management and Air Quality (CMAQ) program to help fund improvements that will link the Middle Road/Portsmouth Plains area to the Route 1 corridor. The original CMAQ application included bicycle amenities as well as a sidewalk consistent with the 2005 Citywide Master Plan (see [attached CMAQ application](#)).

Additional information related to this project and the City's Complete Streets program can be found at the following links:

<https://www.cityofportsmouth.com/publicworks/transportation/complete-streets-program>

<https://www.cityofportsmouth.com/publicworks/peverly-hill-road-complete-streets-project>

XVIII. City Manager's Informational Items:

1. Report Back on Spinnaker Point as Requested by Assistant Mayor Splaine 4/5/2021:

The following is a brief report-back as requested by Assistant Mayor Splaine at the April 5th City Council meeting.

The City entered into an agreement to manage the Field House with the Spinnaker Point Condominium Association ("Spinnaker"). The Agreement has a 30 year term effective July 1, 2001. Using the effective date, the 30 year term ends on June 30, 2031. Since the initial agreement was executed, a number of amendments have been made addressing the number of non-resident membership, the most recent in 2010 capped the non-resident membership at 300 indefinitely if total membership was 1,900 or less. [Attached are copies of the original Lease and the four amendments.](#)

The Agreement obligates the City to manage and operate the Field House in a manner determined by the City to be in the best interest of the public. The City is responsible for all expenses relative to the maintenance and operation of the property and pays an annual reimbursement fee of roughly \$14,000 to the Spinnaker Point Condominium Association. This amount is adjusted annually in accordance with the Consumer Price Index.

Upon termination of the Agreement on June 30, 2031, the City will turn over all rights, title and interest to the Field House and the land beneath the building to Spinnaker including the gymnasium which was built by the City and is currently City owned property.

In recent years a list of capital repairs have been identified along with deferred maintenance items. These needs were identified as part of a facilities evaluation completed by Petersen Engineering, along with input from the Recreation Department and feedback from users of the facility. [Attached is a summary of identified needs](#) at the facility and projects completed along with projected costs.

In March 2020, the facility was closed to the public due to the COVID-19 pandemic. During the shut-down, staff have been able to complete over \$730,000 in upgrades to the facility. These upgrades include a new roof, renovations to the men's and women's locker rooms, repairs to the pool and hot tub as well as many other maintenance items.

These investments were paid for from prior years' Facilities Capital Funding as well as annual operating budgets for facilities maintenance.

The air handling system at the Spinnaker Point Adult Recreation Facility, which was sufficient for operations pre-COVID, does not currently meet the air circulation performance criteria established by the Centers for Disease Control and Prevention. The investment to improve or replace this system is well in excess of currently budgeted funds. The City continues to monitor data from the NH Department of Health and Human Services and the Governor's guidelines, and will revisit the decision once the percent positivity rate declines. These deficiencies with the facility's heating and air conditioning (HVAC) system have sparked a larger, more general conversation regarding the ability to reopen the facility once COVID-19 restrictions are lifted. Public Works staff are working with the Recreation Department, Inspection Department and Health Officer to determine what steps are required to allow occupancy of the facility once COVID-19 restrictions have ended. Initial estimates for comprehensive HVAC repairs are in excess of \$520,000.

2. **Reimbursement for COVID-19 Vaccination Efforts:**

Please find [attached a memorandum regarding reimbursement from the State of New Hampshire for the Fire Department's COVID-19 vaccination services.](#)