

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 23, 2021

PORTSMOUTH, NH
TIME: 6:00PM [or thereafter]

Councilor Huda moved to come out of Non-Public Session. Seconded by Councilor McEachern and voted.

Councilor McEachern moved to seal the minutes of the Non-Public Session. Seconded by Councilor Trace and voted.

III. CALL TO ORDER

Mayor Becksted called the meeting to order at 7:45 p.m.

IV. ROLL CALL

PRESENT: 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 Mr. Goss and Mr. Russo who recently passed away.

VI. PLEDGE OF ALLEGINANCE

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

VII. ACCEPTANCE OF MINUTES – AUGUST 2, 2021; NOVEMBER 16, 2020 & NOVEMBER 23, 2020

Councilor Tabor moved to accept and approve the minutes of the August 2, 2021; November 16, 2020 and November 23, 2020 City Council meetings. Seconded by Councilor McEachern.

Councilor Huda indicated the discussion in the August 2, 2021 minutes by Councilor Lazenby on the McIntyre meeting should reflect there was not a quorum and that she spoke between 2:00 p.m. and 2:30 p.m. Councilor Lazenby said the minutes reflect what he stated and he does not believe the minutes would need to be corrected. City Attorney Sullivan explained that there have inadvertently been five members of the Council at times and when this happens under the Right-to-Know law any Councilor beyond four is asked not to participate in the meeting.

Assistant Mayor Splaine asked for City Attorney Sullivan to provide at the next City Council meeting the Right-to-Know law and a summary report on the law.

Motion passed.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

- A. Recognition of Finance Director and Finance Department for GFOA Triple Crown Medallion

City Manager Conard, Mayor Becksted and City Council recognized Finance Director Judie Belanger, Deputy Finance Director Andrew Purgiel, Assistant to Finance Director Abby Mills, and Finance staff for their achievement of being awarded the GFOA Triple Crown Medallion.

IX. PUBLIC COMMENT SESSION

Cathy Baker said the city has no business pushing vaccinations on their employees and lining the pockets of Big pharma regarding COVID.

Rick Horowitz said fear has been created in people through COVID. He said people are destroying businesses and the numbers released on cases is fraudulent. He reported there have been 13,000 deaths due to the COVID vaccines.

George Dempsey said he is grateful to the medical community and having the opportunity to be vaccinated. He spoke to the audit committee and the Charter states that the City Council will select the independent auditor. He said the Charter is not currently being followed.

Sue Polidura asked that the Cemetery Blue Ribbon Committee be reinstated. She said that the gravestones and the cemeteries need to be maintained and they're not. She urged the Mayor and City Council to appoint a new committee.

Susan Sterry said she has direct decedents buried in the city. She spoke to the website reference to an action plan being implemented and a cemetery trust in 2014. She stated she spoke with Public Works Director Rice who indicated that cemeteries have taken a back seat and a program needs to be reinstated.

Charles Moreno spoke regarding the Islington Creek Neighborhood Parking Program and how it is discriminatory to residents. He said residents must now park in the parking garage which is very costly and the program has shifted to another demographic. He stated this program has created a problem where one did not exist.

Andrew Bagley spoke to the proposed parking fine increase in violations and why they are less than overstaying at the meters. He would like to see holiday parking again but if not possibly a shuttle bus in the downtown.

Dick Bagley said everyone should be wearing a mask to show leadership on the Council and staff. He strongly recommended that the city require vaccinations for its employees.

XI. PUBLIC HEARING AND VOTE ON ORDINANCE AND/OR RESOLUTIONS

First Reading of Ordinance:

- A. First Reading of Proposed Ordinance Amendments to Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability

Councilor Kennedy moved to pass first reading, and to schedule a public hearing and second reading of these ordinance amendments at the September 7, 2021 City Council meeting. Seconded by Councilor Huda.

Parking Director Fletcher reviewed the proposed increase in fines. He reported that they are writing less than 35% in violations which shows behavior has had a positive effect. He stated a review of the fines was conducted and showed that we were below the rates.

Councilor Kennedy said that we have looked at raising fines in fire lanes and handicap parking and does not see that they have been recommended in this ordinance and would like to see those items addressed.

Motion passed with Mayor Becksted opposed.

Public Hearings of Ordinance and Resolutions with Adoption:

- B. ORDINANCE AMENDING CHAPTER 1, ARTICLE IV – COMMISSIONS AND AUTHORITIES, SECTION 1.414 AUDIT COMMITTEE (*Continued from the August 2, 2021 City Council meeting*)

- **PRESENTATION**

A presentation was provided at first reading of the ordinance.

- **CITY COUNCIL QUESTIONS**

Councilor Huda provided copies of information from the NH Municipal Association on this matter. She said that this supports the GFOA rules and how NH looks at the question.

Councilor Huda moved to pass second reading and hold third and final reading at the September 7, 2021 City Council meeting. Seconded by Councilor Kennedy.

Councilor Kennedy moved to amend the motion to add the City Manager as a Non-Voting member of the Committee. Seconded by Councilor Huda.

Acting Deputy City Manager/Deputy City Attorney Woodland explained that at the last Council meeting staff consulted with Councilor Whelan and verified that his motion was to simply continue the public hearing and second reading at the August 23, 2021 City Council meeting.

Councilor Lazenby said comments have been made whether we are in compliance with the Charter and in the past the Council has voted to select the auditor and asked are we in compliance.

Acting Deputy City Manager/Deputy City Attorney Woodland said in June 1994 the City Council selected Melanson as the auditor and every year after the results were presented to the Council. She indicated that the auditors have an obligation to report to the governing body. Councilor Lazenby said based on the answer we have been in compliance.

Assistant Mayor Splaine said he likes an audit committee and the creation thereof. He stated that they would be an oversight board to develop the focus of work. The problem is by giving them the power to recommend a selection of auditors gives them super authority.

Mayor Becksted open the public hearing and called for speakers.

- **PUBLIC HEARING SPEAKERS**

Dick Bagley said there could be a finance committee or an audit committee, as they are similar in nature. He said that the City Manager should be a non-voting member of the committee.

Sue Polidura said she doesn't understand why this is taking the City Council so long to approve. She stated that an RFP usually lies with the board of directors and not the purchasing department. She reported that the internal auditor needs to change every three years. She urged the Council to pass the ordinance.

Mark Brighton said Councilor Kennedy did ask for the City Manager to be put on the audit committee as a non-voting member.

Andrew Bagley reviewed the various bond ratings we have had over the years and we are now at an AAA bond rating which is higher than the federal government.

Alice Cornish White said she works in the financial world and congratulated the City for the Triple Crown Medallion by the GFOA. She asked why we are not moving forward with this ordinance. She said it is time for the Council to take responsibility for financial reports and put the city's interest first.

Christopher White spoke to the city's long standing policy to not issue more than 10% in bonds and the city is slowly growing outside that range. He stated the Council needs to be served by an independent auditor. He said we need to focus on our needs and recommended the city adopt the ordinance.

Zelita Morgan spoke in support of moving the ordinance forward. She said she agrees with what has been said this evening and appreciates all the work of the Council and staff on this matter.

After three calls and no speakers, Mayor Becksted moved forward with additional Councilor questions and deliberations.

- **ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS**

Councilor Lazenby thanked Councilor Huda for providing the GFOA auditing guidelines, which speak to who shall serve on an audit committee which, is the governing body. He said the amendment to be against delegating that authority.

Councilor Huda stated GFOA is the oversight. She stated she provided the NH version that take one or two forms if we put five Councilors on the committee it is considered a Council meeting.

Councilor Lazenby said the Charter says the City Council should make the decision and asked why we would delegate the authority to people other than the governing body.

Councilor McEachern stated that this is being belabored due to the powers and duties section. He said the primary purpose is to oversee the work of a fiduciary auditor. He understands we must maintain transparency but we just earned and was awarded the Triple Crown Medallion by the GFOA. He stated we need to select an audit committee that selects an auditor which will do their work as required by law. Councilor McEachern said he would not support the ordinance moving forward.

Councilor Tabor said yes, this is taking a long time for a standing committee. He said we just don't delegate the Council's authority away. He said we have won financial awards over the last 25 years.

Councilor Kennedy said the Council has not done its due diligence to ask why we have not changed auditors. She stated the City Council has the right to determine who should serve on the audit committee. She thanked Councilor Huda for bringing this matter forward.

Councilor Lazenby moved to amend that the audit committee have five City Councilors, 1 member of the public and the City Manager. Seconded by Councilor McEachern.

Councilor Lazenby said doing it this way is in line with the recommendations from GFOA.

Acting Deputy City Manager/Deputy City Attorney Woodland stated she would be happy to sit down with the audit committee and review the ordinance and discuss the pros and cons of the ordinance. She said she would provide the Council with a breakdown of amendments to vote through with an outline for each item.

City Attorney Sullivan said we can't move forward with any single action. He said the motion suggested in the agenda is a way to move forward. He stated the Council must deal with issues before it.

Councilor Huda said Mayor Becksted assigned an audit committee to do a task and this has been written by staff and the Council did not put this forward and she would not support it.

Mayor Becksted said we need to reach a common ground and the ordinance is a decision of the Council and not the audit committee. He stated he would not support five members of the Council and one member from the public because he feels we need more residents to serve.

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

Assistant Mayor Splaine moved to postpone second reading and public hearing until the next City Council meeting. Seconded by Councilor McEachern. 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.

Councilor McEachern said we ask the audit committee to work on these matters and have a productive conversation to limit the powers and scope.

Councilor Huda said the audit committee was charged to do this outside of staff and now staff has intervened on this and that is what has happened here.

At 9:50 p.m., Mayor Becksted called a brief recess. At 10:00 p.m., Mayor Becksted called the meeting back to order.

Assistant Mayor Splaine moved to suspend the rules in order to take up Items XIII. D.1. – Portsmouth Cemeteries; XV. A.1. – Approval of School Paraeducators Collective Bargaining Agreement; and XV. A.2. – Approval of School Cafeteria Collective Bargaining Agreement. Seconded by Councilor Whelan and voted.

XV. CITY MANAGER'S ITEMS WHICH REQUIRED ACTION

A. CITY MANAGER CONARD

1. Approval of School Paraeducators Collective Bargaining Agreement

City Manager Conard said the School Board is recommending approval of the agreement.

Assistant Mayor Splaine moved to ratify the agreement as presented with the School Department Paraeducator Employees. Seconded by Councilor Whelan and voted.

2. Approval of School Cafeteria Collective Bargaining Agreement

Assistant Mayor Splaine moved to ratify the agreement as presented with the School Department Non-Supervisory Cafeteria Employees. Seconded by Councilor Trace and voted.

XIII. CITY COUNCIL MEMBERS

D. COUNCILOR KENNEDY

1. Portsmouth Cemeteries

Councilor Kennedy moved to set up a Blue Ribbon Committee for Cemeteries with six citizens and one Councilor. Seconded by Assistant Mayor Splaine.

Councilor Kennedy announced her recommendation for five of the six citizens to serve – Sue Polidura, Susan St. Kranium, Sherry Brandsema, Michael Griffin, Ramona Charland to serve on the Cemeteries Blue Ribbon Committee.

Assistant Mayor Splaine said it is important that we maintain our cemeteries.

Councilor Trace said some bodies were removed and would like to see them returned into the cemetery.

Motion passed.

Councilor Kennedy moved to have the City Manager set up a site walk of the North Cemetery for Council and staff to be led by Sue Polidura. Seconded by Assistant Mayor Splaine.

Councilor McEachern said he would like the garden club invited to the site walk.

Motion passed.

XI. PUBLIC HEARING AND VOTE ON ORDINANCE AND/OR RESOLUTIONS

- C. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO THIRTEEN MILLION NINE HUNDRED THOUSAND DOLLARS (\$13,900,000.00) RELATED TO WATER LINE UPGRADES, WATER TRANSMISSION MAIN REPLACEMENT, ISLINGTON STREET IMPROVEMENTS PHASE 2, WILLARD AVENUE UPGRADES AND UNION STREET RECONSTRUCTION (*Rescheduled Public Hearing at the August 2, 2021 City Council meeting with new amount*)

- **PRESENTATION**

No presentation was made.

- **CITY COUNCIL QUESTIONS**

Councilor Huda said in the resolution it indicates bond issue and/or notes, when will we know which one we are proposing.

Deputy Public Works Director Goetz said once we know if we qualify for the SRF, we would use those at that time but we need to look at bonding now.

Finance Director Belanger said any SRF is treated as a bond issue and is calculated in the debt calculations. She reported that we currently have 95% available in water for this bond.

Councilor Kennedy stated she does not agree with water main replacement across Little Bay. She stated we should run two pipes and the pipe is not in good shape. Deputy Public Works Director Goetz stated this has been analyzed over the last four years and there are materials that protect against corrosion. He said the intent is to get the new line active and supply 100% of water coming from Madbury and look at the two other lines for the future as a backup.

Councilor Trace said you have a single line from Madbury that splits and asked if we will create a third line off the main pipe. Deputy Public Works Director Goetz reported that there will be three lines in the bay. Councilor Trace asked why we are not using horizontal drilling. Deputy Public Works Director Goetz reported the cost was exorbitant.

Councilor Whelan asked if there is a contingency to do something over the pedestrian bridge. Deputy Public Works Director Goetz stated we are working with Dover and after they put the pedestrian bridge in we will look at funding for the project and get 100% funding.

- **PUBLIC HEARING SPEAKERS**

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

- **ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS**

No further discussion among the Councilors.

Councilor Lazenby moved to adopt the Resolution to be bonded as presented. Seconded by Councilor Trace and voted.

XII. MAYOR BECKSTED

1. Appointments to be Considered:
 - Marylou McElwain reappointment to the Parking and Traffic Safety Committee
 - Stephen Pesci reappointment to the Parking and Traffic Safety Committee
 - Harold Whitehouse reappointment to the Parking and Traffic Safety Committee
 - Mark Syracuse appointment to the Parking and Traffic Safety Committee

The City Council considered the appointments which will be acted upon at the next City Council meeting.

2. Appointments to be Voted:
 - Jason Brewster to the Peirce Island Committee
 - Deborah Chag to the Trees and Public Greenery Committee

Councilor Kennedy moved to appoint Jason Brewster to the Peirce Island Committee until December 31, 2021 and Deborah Chag to the Trees and Public Greenery Committee until August 23, 2024. Seconded by Councilor Huda and voted.

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. What Initiatives and Approaches can the City of Portsmouth take to encourage vaccinations and other responses to reduce the spread of COVID-19 and Variants?

Assistant Mayor Splaine requested that this question be answered and that Health Officer McNamara provide an update regarding COVID at the September 7, 2021 City Council meeting. He said that the COVID numbers are increasing and getting worse and there is a need to respond to get ahead of the problem. He stated we need to be proactive and encourage vaccination or return to mask wearing in City Hall. He suggested reactivating the Health Committee.

Mayor Becksted said City Manager Conard would provide an update on HB220. City Manager Conard asked Assistant City Attorney Ferrini to report on HB220. Assistant City Attorney Ferrini said HB220 passed in July and no person should be compelled to receive a vaccination. She said the Legal Department reviewed the bill and reached out to NH Municipal Association who indicated this does not require the vaccine. She stated the Attorney General will provide guidance and they would not be requiring vaccination for employees.

Assistant Mayor Splaine asked about testing and encouraging staff and businesses. Assistant City Attorney Ferrini said encouraging is different than mandating and could be supported as a policy measure. Assistant Mayor Splaine asked who decided mask use in City buildings. Assistant City Attorney Ferrini said it is different because there is not an emergency mandate. She said we would need a recommendation from our Health Officer. Assistant Mayor Splaine said he would like to know if that would be addressed by the September 7th City Council meeting.

Mayor Becksted said that if we go above 10% maybe we have a mask mandate.

Councilor McEachern said we need to discuss this today as we have 50 cases in the City as of this evening. He said his employer requires him to be vaccinated to go into the building. He said October – November we will see a rise in numbers.

B. COUNCILOR WHELAN

- 1, Parking & Traffic Safety Committee Action Sheet and Minutes of the July 8, 2021 meeting

Councilor Whelan moved to accept and approve the Action Sheet and Minutes of the July 8, 2021 Parking & Traffic Safety Committee meeting. Seconded by Councilor Tabor and voted. Councilors Kennedy and Huda voted opposed.

Councilor McEachern moved to take a revote on the bonding Resolution in order to have a roll call vote. Seconded by Assistant Mayor Splaine and voted.

XI. PUBLIC HEARING AND VOTE ON ORDINANCE AND/OR RESOLUTIONS

- C. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO THIRTEEN MILLION NINE HUNDRED THOUSAND DOLLARS (\$13,900,000.00) RELATED TO WATER LINE UPGRADES, WATER TRANSMISSION MAIN REPLACEMENT, ISLINGTON STREET IMPROVEMENTS PHASE 2, WILLARD AVENUE UPGRADES AND UNION STREET RECONSTRUCTION (*Rescheduled Public Hearing at the August 2, 2021 City Council meeting with new amount*)

Councilor McEachern moved to adopt the Resolution to be bonded as presented. Seconded by Assistant Mayor Splaine.

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

XIII. CITY COUNCIL MEMBERS

C. COUNCILOR LAZENBY & COUNCILOR TABOR

1. Creation of Energy Advisory Committee

Councilor Lazenby moved to approve the creation of the Portsmouth Energy Advisory Committee (PEAC) in the form of a Mayor's Blue Ribbon Committee (BRC) with appointments by September 20th. The PEAC mission will be to research the risks and opportunities of a Community Power program for Portsmouth under RSA 53-E, which allows towns and cities to aggregate their customer demand and purchase electricity in bulk for savings and a more rapid shift to renewables.

PEAC will report back to the City Council with an assessment and recommendations, including whether to join the Community Power Coalition of New Hampshire (CPCNH). If the Council votes to proceed, PEAC will guide creation of a Community Power Plan per RSA 53-E, with input from at least two public hearings, for final approval by City Council vote. Seconded by Councilor Tabor.

Councilor Lazenby spoke on this matter and said we can make real gains and open doors to pursue community power.

Councilor Kennedy asked how we guarantee green energy. She said right now PSNH (Eversource) uses certain lines and the organization would use the same lines. She asked what the guarantee is if there is an emergency that PSNH (Eversource) will fix the lines when we are not using their lines. Councilor Tabor said these are the kinds of questions a study committee would look into.

Mayor Becksted said these concerns would be addressed at the committee level. He suggested holding a work session in the future on this matter.

Councilor Huda said she attended the work session and researched and found the legislation is not in place, and does not know when it will be. She said many people are changing power and the number of people that are getting in and we have seven participants now, but we don't have anything final to discuss. She stated there are no regulations on this. She said that this is still unknown and if we sign a contract all residents are in and would need to opt out.

Councilor Lazenby asked to hear from Henry Herndon from Community Power Coalition of NH speak and answer some of the concerns.

Councilor Tabor moved to suspend the rules in order to allow Henry Herndon speak. Seconded by Councilor Lazenby and voted.

Henry Herndon said he is available as a resource for the City Council. He said he would like a bulleted list of questions for the committee to address. He reported that the House Bill is due to be signed this week.

Councilor Lazenby asked that information be placed on the website regarding this matter. He said we are trying to have a report back prior to the City Council's end of term.

Motion passed.

D. COUNCILOR KENNEDY

2. Skate Board Park

Councilor Kennedy moved to have the City Manager and staff work with the Skate Board Park Committee on a fund raising event for October 20, 2021. Given, the committee would like to use Portsmouth city property for part of the event. Seconded by Councilor Huda and voted.

3. Law Suits

Councilor Kennedy moved to have an update on every lawsuit that is currently filed against the city with a date for a report back by September 7, 2021 City Council meeting. Seconded by Councilor Huda and voted.

Councilor Kennedy reminded the City Council of the two upcoming site walks, August 25th of Pannaway Manor and on September 13th of the New Franklin/Jewels neighborhood regarding sound barriers.

E. COUNCILOR TRACE

1. Work Session Re: Zoning

Councilor Trace moved to have a work session with Planning Department on the same topics proposed for a work session at Planning Board Meeting this week to include Wetland Buffer Zone; types of Zoning currently within the downtown; types of Gateway Zoning; and zoning affecting perimeter residential areas in Portsmouth. The work session also to include types of necessary zoning to facilitate affordable and workforce housing. Seconded by Councilor Kennedy and voted.

2. Traffic Calming

Councilor Trace moved to refer to Parking & Traffic Safety Committee on what can be done to create safer and slower streets for residents in the Echo Avenue area. Specifically traffic calming with Woodbury Avenue in the same manner as was achieved with Maplewood Avenue with a possible site walk with the neighborhood. Seconded by Councilor Kennedy.

Councilor McEachern spoke regarding traffic calming measures that are needed on Dennett Street. Councilor Whelan suggested residents come to a Parking and Traffic Safety Committee meeting to speak to the safety concerns. He said he would like to refer this to the Parking and Traffic Safety Committee to reach out to the neighborhood on this matter.

Motion passed.

XIV. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Memorial Bench Donation in Memory of Pat Bertrand - \$2,200.00

Councilor Kennedy moved to accept and approve the Memorial Bench Donation in memory of Pat Bertrand, as presented. Seconded by Councilor Huda and voted.

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER

3. Temporary Construction License for 409 Franklin Pierce Highway, LLC, 205 Market Street

City Manager Conard reported that this is a pass through area for 93 days.

Councilor Kennedy moved that the City Manager be authorized to waive the license fee and execute and accept the temporary construction license for the term of 93 days to encumber the sidewalk with pass through staging at 205 Market Street as requested. Seconded by Councilor Lazenby and voted.

XVI. CONSENT AGENDA

- A. Letter from Melissa Walden, American Lung Association, requesting permission to hold the 13th annual American Lung Association Cycle the Seacoast ride on Sunday, May 1, 2022 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Letter from Hershey Hirschkop, Seacoast Outright, requesting permission to hold Portsmouth PRIDE on Sunday, October 10, 2021 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Request for License to Install Projecting Sign for owner David Ronka of Closette for property located at 72A Congress Street ***(Anticipated action - move to approve the aforementioned Projecting Sign License 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. Request for License to Install Projecting Sign for owner Gretchen DesAutels of A Pleasant Shoppe, LLC for property located at 79 Congress Street (***Anticipated action - move to approve the aforementioned Projecting Sign License 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***

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

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence

Councilor Kennedy moved to accept and place on file. Seconded by Councilor McEachern and voted.

- B. Letter from the Coakley Landfill Group (CLG) requesting the City Council join the CLG to allow the public to access meetings remotely
- C. Letter from Steven Smith, Chairman, Board of Selectman, Town of Greenland, requesting the City Council join the Town of Greenland to allow the public to access Coakley Landfill meetings remotely

City Manager Conard announced that Chair Spear will allow for remote access to Coakley Landfill meetings, therefore no action is required.

- D. Letter from Tricia Donohue, Portsmouth Community Garden, requesting support to fund the water installation in proposed community garden

Councilor Trace moved to instruct the City to pay the \$7,130.00 give or take, to install line as explained in the letter by Ms. Donohue and to forward this request to the City Manager for report back at the September 7, 2021 City Council meeting and further to have an agreement with the City for the use of the land prepared by the Legal Department. Seconded by Councilor McEachern.

Mayor Becksted said he does not know where the funds are coming from. He asked if the grass area is our property because he has been told that it was not City land.

Motion passed.

- E. Letter from Tom Morgan regarding bicycle infrastructure designs

Councilor Lazenby moved to refer the letter to the Parking & Traffic Safety Committee for report back. Seconded by Councilor Kennedy and voted.

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

- 2. Report Back on Status of Mosquito Spraying

Mayor Becksted said he would like to have the spraying added to the budget next year.

- 4. Report Back on Rainbow Crosswalks

Mayor Becksted indicated we cannot alter the crosswalks because it is not allowed federally. He said we are using the funds raised on-line to find another way for them to be used. Assistant Mayor Splaine said we might hear back from people that are doing research on this matter.

- 5. Report Back from the Legal Department on Knights of Columbus Boot Drive

City Attorney Sullivan stated it will be handled administratively.

- 6. Status Update on Cate Street and Bartlett Street Intersection

City Manager Conard announced there will be a report back from Department of Public Works at the September 20, 2021 City Council meeting.

- 7. Response to Comments Regarding City Finances

City Manager Conard said this is in response to comments made by residents regarding finances.

XX. ADJOURNMENT

At 11:30 p.m., Councilor McEachern moved to adjourn. Seconded by Councilor Kennedy and voted.

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