

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, DECEMBER 6, 2021

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

### **III. CALL TO ORDER**

Mayor Becksted called the meeting to order at 7:05 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 for those that have passed in the last year from COVID. He said this has affected him personally, he lost his step father on December 17, 2020 from COVID.

### **VI. PLEDGE OF ALLEGINANCE**

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

### **PROCLAMATION**

#### 1. Purple Heart Community

Mayor Becksted read the Proclamation declaring Portsmouth as a Purple Heart Community. He recognized Melanie Spears a recipient of a purple heart as well as others within the community.

Marie Grella, Purple Heart Community, joining via zoom, said she is proud that Portsmouth has chosen to become a Purple Heart Community and looks forward to the signs being erected as soon as possible. Mayor Becksted announced that the Elks Lodge and Veterans of Foreign Wars will be providing the funds for the purchasing of the signs.

### **VII. ACCEPTANCE OF MINUTES – OCTOBER 14, 2021, OCTOBER 18, 2021 AND OCTOBER 27, 2021**

**Councilor Tabor moved to accept and approve the minutes of the October 14, 2021, October 18, 2021 and October 27, 2021 meetings. Seconded by Councilor McEachern and voted.**

### **IX. PUBLIC COMMENT SESSION**

George Remick spoke to those that are no longer with us and recognized their service to our Country. He was joined by Jimmy Morrissey whose father received a purple heart in March of 1945 for being shot down and killed. Mr. Morrissey thanked the City Council for making Portsmouth a Purple Heart Community and passed around his father's purple heart for the Council to view.

Mike Griffin said it is his and the Elks Lodge privilege to support Portsmouth as a Purple Heart Community. He recognized all the veterans in the community for their service.

Roy Helse said the City Council needs to do their remaining work as City Councilors.

George Dempsey said the current City Council should hold the NH Democratic National Committee accountable for what took place in the Municipal Election. He spoke regarding the McIntyre and stated the Council should be asking for a jury hearing. In closing, he spoke in support of the veterans in the community.

Justin Richardson thanked the City Council for their work over the last two years and urged the Council to vote on the board appointments on the agenda this evening. He said the land use boards need to make decisions and we have seen changes to boards in the past.

Erik Anderson thanked the City Council for their accomplishments over the last two years. He recognized the Council for working on the sound barrier issue.

Dave MacDonald said the city needs to run and the board appointments must go through. He said Mayor Becksted has a right to staff the boards/commissions to operate.

Christina Lusky thanked the City Council for their service and she feels that the appointments should move forward this evening. She said there is a precedent from the past City Council to make appointments.

Andrew Bagley said the Special City Council meeting recently held should have had a public comment session. He said he supports the construction of a skateboard park.

Clare Kittredge said she supports land use board appointments being brought forward by Mayor Becksted. She also spoke in support of specific PFAS testing for the athletic fields.

Ted Jankowski spoke to the testing needed for PFAS on the athletic fields. He said the City Council was told that there was no PFAS in the field and later the Council voted for a no PFAS field and that is not what the City received. He said it is time to get the fields tested.

Jesse Court Skateboard Park Committee, spoke in support of the construction of a skate park. He said the current skate park is not ideal and it is time for a new park.

Michelle Flynn asked the City Council to support the building of a skate park. She said this is something that we can do for the community and kids.

Kathleen Somssich said the new incoming City Council was duly elected by the residents. She said the current City Council needs to support the land use applications before them this evening.

Peter Somssich thanked the City Council for all their work over the last two years. He said comments made by a previous speaker are concerning because the NH Democratic National Committee cannot endorse anyone and the only one that could do those things are maybe progressive democrats.

Brian Pearson congratulated the work on the people's plan regarding the McIntyre. He said the project needs to be timeless for the future. He stated the Council letting go of Redgate Kane was wrong and you shouldn't have dissolved the partnership. He said the meeting notice for a special meeting did not indicate that a motion would take place.

Gerald Duffy said he sent a list of 77 names to City Clerk Barnaby regarding the opposition of Mayor's recommended appointments. He said two years ago former Mayor Blalock approved two reappointments of long serving members and that is not what Mayor Becksted is recommending. He stated the appointments should be withdrawn and made by the new City Council in January.

Steve Detrollo spoke in support of the skate park. He said there is large public support for the park and urged the City Council to approve the motion on the agenda this evening.

Sean MacDonald, Rye, NH, spoke in support of the construction of a skate park.

Nancy Brown thanked the City Council for their work over the last two years. She said this Council has cared about the City and its citizens. She said we need to open up more group discussions on affordable housing. She stated it is time to focus on major issues facing the City.

Vinny Amico asked the City Council to approve the construction of a skate park. He said he enjoys skateboarding and likes learning from the older kids. He asked that the park be approved.

Andrea Amico spoke in support of the motion for the construction of a skate park. She said the kids and adults need to have a park approved and this would be a benefit for the City. She asked for more expansive PFAS testing for fields. She said the athletic field is not PFAS free and the turf discussion is a complex issue. She asked that the City Council approve the motion for PFAS testing on the agenda this evening.

Arthur Clough said on February 5, 2018 the City Council put members on the land use boards. He said it is a custom to make appointments at the end of a Council term. He said the Council does not get to buy a Planning Board.

Paul Mannle thanked the City Council for their work and spoke in support of the funding for a skate park. He thanked the Mayor's Blue Ribbon Skateboard Park Committee for their work. He said unsealing the minutes of the Non-Public Session minutes held regarding the McIntyre should be approved by the Council. He stated that Mayor Becksted is in his right to make appointments this evening.

Dianna Carpinone, Dover, NH requested that further testing be done on fields for PFAS. She said we cannot allow more chemicals into the environment. She said the City needs to make sure they receive what they paid for.

Elizabeth Barrett spoke in support of the construction of a skate park. She said she is disappointed that good things are being overshadowed with the appointments being recommended by Mayor Becksted. She said these appointments could be a concern for the community. She spoke regarding McIntyre and the special meeting held and said that was in violation of the RSA and feels that these are ethic concerns.

Lily Cosgrove said she would like a skate park built and that she could learn more from having a park for everyone to go to.

Anna Nutall, Dover, NH spoke in support of the skate park and stated in the last 22 years we have not needed a park more than now. She said kids need a way to express themselves and a park will help with that.

Melissa Paly, Conservation Law Foundation, spoke in support of moving forward with testing for PFAS on the field. She said much information has been gathered for testing and how to test and we need to get the testing done.

Kristen Mello, Westfield, MA, said the notes she provided speak to testing for PFAS. She said that water and the environment are being effected by PFAS chemicals. She said it was likely that there was PFAS in the field.

Rich Blalock spoke in favor of the skate park and said it is best for the health of our children.

Sue Polidura encouraged the vote for appointments this evening. She stated if there are issues with the appointments the City Attorney will make that decision.

Zelita Morgan said she supports the speakers this evening requesting the construction of a skate park. She said the current Council has led the City through difficult times and there was no impact to staff or services. She recognized Councilor Kennedy's efforts for a skate park and Councilor Whelan on the work of the McIntyre. She said Mayor Becksted has the right to make appointments.

Sergio Vonkneia spoke in support of the skate park and said this is a much needed addition to the City.

John Flynn said this skate park will benefit the City.

Sue Polidura spoke regarding the importance of Pearl Harbor Day and the need for its recognition by all.

**Councilor Kennedy moved to suspend the rules to bring forward Item XIII. E.1. – Skateboard Park Blue Ribbon Presentation given by the Committee. Seconded by Councilor McEachern and voted.**

Councilor Kennedy invited Amy-Mae Court and Dave Cosgrove to make the presentation for a skate park.

Ms. Court and Mr. Cosgrove provided a detailed presentation for a skate park. The potential design for a park and funding required were reviewed. Ms. Court reviewed the historical context on the skate park. She said kids need a place to skate. Mr. Cosgrove said it is an honor and privilege to be here this evening to present. He spoke to the designs by Pillar Studios. He said the feasibility study is a reference guide for the City. He said the Committee was asked by the City to look at the former stump dump holistically with the potential for a soccer field. He said the cost associated with Phase I would be \$2.3 million. He said this is a park that will meet the needs of our community.

Councilor Tabor asked about the \$8.3 million for the entire project. Mr. Cosgrove said that was an estimate and included costs for pavers and gates to the gold standards. He thanked Recreation Director Henley and Public Works Director Rice for their work on this potential project.

**Councilor Kennedy moved to allocate \$2.2 million dollars for a skateboard park, recreational field and pump track for the children of Portsmouth for ground breaking in the summer of 2022. Seconded by Councilor Huda.**

Councilor Kennedy said she does not want to put this off until the Capital Improvement Plan (CIP). She spoke to the needs for a park and that Greenleaf Park is not adequate.

Councilor McEachern asked if the ground breaking outlines times associated with this or is it just money. Councilor Kennedy said that the Committee hopes it is achieved.

Councilor Lazenby thanked the Mayor's Blue Ribbon Committee for the presentation and project. He asked how we fund the request as it is not in the budget currently. He said the Council would have to have a public hearing and appropriate funds. He asked City Manager Conard where the funds could be allocated from.

City Manager Conard said we need to identify the item for a supplemental appropriation. She spoke to the typical process of putting this project through the CIP. She said the Planning Board Advisory Committee reviewed all projects and staff brought forward the request to fund the skate park. She stated this is best represented for the project to bring \$200,000.00 for funding with additional funding to come in 2023.

Councilor Huda reminded the Council per a presentation given on June 14, 2021 we will have another \$6.4 million in funds coming to us in May, 2022. She stated we will also have more school funds per the ESSER Funds coming in May, 2022 and the school funds will be an estimate. She asked that City Manager Conard consider moving this project up from 2023 to 2022 based on the qualifications of this program. She said per the presentation, loss revenue can be used for maintenance or pay go funding for building and infrastructure including roads and this also involves the public health of children for the schools and asked that this be considered as soon as we can instead of pushing it off.

City Manager Conard asked staff to comment on the status of the consultant and the feedback you are receiving on timing, separate and apart from the funding conversation. Recreation Director Henley stated in a conversation staff had with Pillar they stated if they were awarded the bid to perform the construction they would not be able to perform the work until 2023 at this point.

Councilor Tabor said Councilor Huda spoke of ARPA money and ESSER money that he would like to make sure we are not double counting this with any of the money for the community campus that has been itemized. City Manager Conard said the money that Councilor Huda is speaking to the second tranche of \$6.4 million to be received in 2022.

Recreation Director Henley reported that Pillar Studios has indicated if they were awarded the bid that they could not do the work until 2023.

**Councilor Kennedy moved to amend the motion to hold a public hearing on December 20, 2021 to use the federal funds coming in May for this project. Seconded by Councilor Huda.**

Councilor McEachern asked if we could amend the current CIP to have funds allocated this year for the design and build the following year. City Manager Conard said to amend the current CIP is a policy matter and what project(s) do you remove and what impact would that have on the City.

Councilor Trace asked if Pillar Studios could design the project and someone else do the construction in order to move the timeline forward for completion.

Mayor Becksted said it is time to make a difference and a change.

**Councilor Lazenby moved to amend that the public hearing be a supplemental appropriation for \$200,000.00 for the design of the Skate Park at the December 20, 2021 City Council meeting. Seconded by Councilor Tabor.**

Councilor Lazenby said he feels that \$2.2 million is too much at this point.

Councilor McEachern asked if we could have the public hearing for the \$2.2 million with the possibility of using less than that. He stated he would like to hear the discussion and feels comfortable having the public hearing on this matter.

Councilor Huda said she is confused with how Councilor Lazenby is looking at this. She said the funds will be here and will have no effect on taxpayers.

Councilor Lazenby said the public hearing would be a supplemental appropriation. City Manager Conard said we have to properly identify the funding in the legal notice. Councilor Lazenby said the \$200,000.00 for design would be a supplemental appropriation we could clearly identify and therefore, a clear path exists.

City Manager Conard said if you vote to have an appropriation of \$2.2 million you need to stipulate this will be by bonding or allocating funds.

On a roll call vote 3-6 motion to amend that the public hearing be a supplemental appropriation for \$200,000.00 for the design of the Skate Park at the December 20, 2021 City Council meeting failed to pass. Councilors McEachern, Lazenby and Tabor voted in favor. Assistant Mayor Splaine, Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted opposed.

Further discussion followed regarding this matter.

Councilor Kennedy made a friendly amendment that the public hearing be a supplemental appropriation to come from unassigned fund balance. Councilor Huda agreed as the second to the motion.

On a roll call 7-2, voted to allocate \$2.2 million dollars for a skateboard park, recreational field and pump track to come from unassigned fund balance with a public hearing to be held on December 20, 2021 City Council meeting. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Huda, Trace and Mayor Becksted voted in favor. Councilors Lazenby and Tabor voted opposed.

At 9:30 p.m., Mayor Becksted declared a brief recess. At 9:40 p.m., Mayor Becksted called the meeting back to order.

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

### Public Hearing & Second Reading of Ordinances:

#### **A. ORDINANCE AMENDING CHAPTER 1, ARTICLE IV – COMMISSIONS AND AUTHORITIES, ADDING SECTION 1.415 – CEMETERY COMMITTEE**

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

Susan Sterry, Co-Chair Mayor's Blue Ribbon Cemetery Committee, spoke in support of the ordinance and the need for a permanent Cemetery Committee. She highlighted the accomplishments of the Committee and spoke to the two grants they're seeking for funding. She addressed each of the cemeteries in the City and their importance.

Andrew Bagley spoke in support of the ordinance and said that the cemeteries are an asset that has been overlooked.

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

**Councilor Kennedy moved to pass second reading, and schedule a third and final reading regarding this amendment to Chapter 1, Article IV at the December 20, 2021 City Council meeting. Seconded by Assistant Mayor Splaine.**



Councilor Kennedy thanked the Committee for their work and spoke to the research that is ongoing of a multitude of things. She stated this is long overdue to create a permanent Committee and we need to take care of our past.

**Motion passed.**

## **XII. MAYOR BECKSTED**

1. Appointments to be Considered:
  - Jesse Lynch appointment to the Audit Committee
  - Mika Court appointment to the Conservation Commission
  - Andrew Ward appointment to the Economic Development Commission
  - Jane Begala appointment to the Planning Board
  - Andrew Samonas appointment as Alternate to the Planning Board
  - Franco DiRienzo appointment as Alternate to the Planning Board
  - Thomas Watson reappointment to the Trustees of the Trust Fund
  - Paul Mannle appointment to the Zoning Board of Adjustment

The City Council considered the outlined appointments to be voted upon at the December 20, 2021 City Council meeting.

2. \*Appointments to be Voted:
  - Abigail Gindele appointment to the Conservation Commission as an Alternate
  - Jacob Lehoux appointment to the Economic Development Commission
  - James Hewitt appointment to the Planning Board
  - Greg Mahanna appointment to the Planning Board
  - Effie Malley appointment to the Sustainable Practices Blue Ribbon Committee
  - Thomas Rossi appointment to the Zoning Board of Adjustment

Mayor Becksted read the appointments to be voted upon this evening.

**Councilor Kennedy moved to appoint Abigail Gindele to the Conservation Commission until April 1, 2024; appoint Jacob Lehoux to the Economic Development Commission until October 1, 2025; appointment of James Hewitt and Greg Mahanna to the Planning Board until December 31, 2024; appointment of Effie Malley to the Sustainable Practices Blue Ribbon Committee and appointment of Thomas Rossi to the Zoning Board of Adjustment until December 1, 2026. Seconded by Councilor Huda.**

Councilor Lazenby asked how many members serve on the Planning Board. City Clerk Barnaby informed the Council that there are 9 members and 2 Alternates that serve on the Planning Board. Councilor Lazenby said the term for the Planning Board is three years. City Attorney Sullivan said that is correct. Councilor Lazenby said in 2020 Mayor Becksted appointed six members that would have been replaced and two alternates and asked how that fits with the ordinance. City Attorney Sullivan said that has been problematic and spoke to their terms needing to be staggered appointment dates.



Councilor McEachern said it is disappointing the term set aside is for all appointments. He said we should all celebrate this but instead we are putting some people in a difficult position. He suggested to separate the land use boards from all others. He asked if we are able as a body to seek any Planning Board members for less than three years. City Attorney Sullivan said there is nowhere it states that someone serving less than three years. Councilor McEachern said he has come to find that you must read both documents and that three years is the minimum and the Charter states that can be appropriate for appointments without the RSA stating that a Planning Board can be for less than three years. He asked how we the City Council can say the Council can do this. He asked that the Planning Board members could be questioned in front of superior court and their appointment could be questioned. He stated how are we certain we have the legal authority to appoint over two members. City Attorney Sullivan said you have to presume that City ordinances are valid. He read the Planning Board appointments as outlined in the ordinance. Councilor McEachern said there are limits per the RSA.

Assistant Mayor Splaine said the dialogue raises the fact that if we don't do this right, we could be brought to court on a number of issues and decisions. He said if we are not sure of the process and could be brought to court tomorrow should we not have communication with the Attorney General or Secretary of State. City Attorney Sullivan said he did not communicate with the Attorney General and the Secretary of State would not have the right to make a ruling on appointments and opinions.

Mayor Becksted said he inherited the appointments from former Mayor Blalock. He said these appointments are staggered and never have been questioned until today.

Assistant Mayor Splaine said just because we did something in the past does not mean it was right.

Mayor Becksted said he has never seen this happen before. He said he spoke with Mayor Blalock and the discussion continued one on one, and you don't create havoc, it is the right of the Mayor to make appointments.

Councilor Tabor said in an interview Mayor Becksted said it was his duty to make the appointments because of promises he had made. He said we had an election and all the power comes from the voters. He spoke on the functions of the Planning Board.

Mayor Becksted stated he would be moving forward with his appointments.

Councilor Lazenby said he urged the City Council that the difference is with scale and input we received from voters. He said Mayor Becksted is putting forward 14 appointments and 7 are land use appointments, and in the past two land use board appointments were made by reappointments. He stated in 20 years one Mayor made two appointments, this scale of 14 is extraordinary and out of respect for the City of Portsmouth the right thing is to defer the appointments for land use to the new City Council.

Assistant Mayor Splaine said because there was such a change anyone should have the discipline even though we might be able to we should have discipline not to. He stated we should provide the new City Council and Mayor with a fresh start, it is important and right thing to do.

Councilor McEachern said the Mayor would change the boards with a vision he has. He wants the land use boards and members to meet. He stated he cannot support the two recommendations to move forward. He asked that Mayor Becksted relook at the appointments.

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

3. Establish Holiday Parking

Mayor Becksted said he would like to restore holiday parking.

**Councilor Kennedy moved to declare the date(s) of December 18 – 25, 2021 be designated as such, and that parking in Portsmouth managed on-street and lot spaces be permitted free of charge during those dates. *Please note: Parking in the Hanover and Foundry garages are not covered under this initiative.* Seconded by Councilor Huda and voted.**

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

**Councilor Lazenby asked for a friendly amendment that we not go beyond 12:00 a.m. before adjournment. Councilors Kennedy and Huda accepted the friendly amendment to be made part of the main motion.**

**Motion passed.**

**XIII. CITY COUNCIL MEMBERS**

**A. ASSISTANT MAYOR SPLAINE**

1. Artificial Turf Playing Field

**B. COUNCILOR McEACHERN**

1. Update of Turf Fields Meeting

**C. COUNCILOR WHELAN**

1. New Turf Field --- testing

**Councilor Whelan moved that the City Council requires the City Manager to commission independent third party testing for PFAS of the new artificial turf playing field. As recommended by independent experts, the testing shall use the targeted analysis for 70 PFAS, non-targeted PFAS analysis and total oxidizable precursor (TOP) assay methods to look for the presence of PFAS in the synthetic turf, shock pad, and infill material. The results will be provided to the City Council. Seconded by Assistant Mayor Splaine.**

Councilor Whelan said with the motion the field should be PFAS free and is not, it behooves the City to figure out what is going on. He said we need to take a leadership role with this issue.

Councilor McEachern said we were waiting on the conversation for materials and stated we asked the question regarding PFAS and the manufacturer stated after initial reports that there is likely PFAS in the field. He said any testing we do builds upon the information, and we verify that the type of PFAS we have here. He stated as part of testing we make sure we get some word of the number of tests.

Councilor McEachern spoke in support of the testing but it takes in account these fields and asked what happens with the High School field. He said he wants to understand what could be leaching out. He said he would like to delay the vote until the December 20<sup>th</sup> meeting to have the conversation.

Assistant Mayor Splaine said we already have had delays and if we wait until December 20<sup>th</sup> he does not know if we get to this. He stated we are learning more every day. He said maybe we could ask Ted Jankowski on his opinion on this matter.

**Assistant Mayor Splaine moved to suspend the rules to allow Ted Jankowski to speak on this matter. Seconded by Councilor Whelan and voted.**

Ted Jankowski said we have been waiting a great deal of time on testing. He stated we were promised in 2019 that it was a PFAS and chlorine free field by our consultant. He said why be afraid do the testing, and further stated the testing is less than \$10,000.00 and our contractor should be paying for this. Mr. Jankowski said stop waiting and get the testing done.

Acting Deputy City Manager/Deputy City Attorney Woodland said we were having a scheduling problem near Thanksgiving and the testing is slightly less than \$22,000.00 to complete.

Councilor McEachern said this is not a tactic to delay, we spent time to review and make the testing better that there be some provision if there is a way to incorporate the data we have and we take the opportunity to do so. He said there is PFAS in the field and he wants to know what kind of PFAS.

Councilor Lazenby asked why we have not heard from the City on the situation of what has been tested and found, there is a combination in the field that is a threat in measuring.

Acting Deputy City Manager/Deputy City Attorney Woodland said the field is safe. She said we are trying to find our way and the study is very similar to the study that was done in Martha's Vineyard.

She stated we are not happy that some field representative made that statement, we are concerned and had testing done on levels.

Councilor Lazenby said he is not against doing the testing but we need to make sure we are spending the money in the right spot.

Councilor Tabor asked to offer a friendly amendment to test the surrounding soil around the field which was accepted by the maker of the motion.

**Motion passed.**

**C. COUNCILOR WHELAN**

2. Informational Only – Letter of Termination to Michael Kane
3. Informational Only – Letter regarding Refund of Deposit

Councilor Whelan said the letters have been provided in the packet as informational only. Assistant Mayor Splaine said there is so much paperwork going back and forth do we have an idea on the cost factor as of November 18, 2021. City Attorney Sullivan said we have not received the bill since the activity began. Assistant Mayor Splaine asked if it is over \$600.00 per hour for the attorney's work to prepare the letter and conduct the research. He asked when we would receive a bill for the work conducted to prepare the letter. City Attorney Sullivan said we receive a monthly bill which outlines expenses. Assistant Mayor Splaine requested that the City Attorney let the Council know the cost for preparing the letter.

Councilor Lazenby asked what occurred today, and could you summarize it for the Council. City Attorney Sullivan said Redgate Kane became aware that the City might consider an RFP to do the project and they filed a request that the City be stopped from doing anything. He reported that the order was denied by the court and they will set a hearing on the injunction. Assistant Mayor Splaine asked what the timing is for the injunction. City Attorney Sullivan said it is unlikely before December 20<sup>th</sup>.

*Councilor Lazenby moved to enter into Non-Public Session to meet with the City Attorney on the McIntyre. Seconded by Councilor McEachern. No vote taken.*

Councilor Kennedy said Ms. Rath is here regarding her letter which is under Presentation & Consideration of Written Communications & Petitions.

**Councilor Kennedy moved to suspend the rules to bring forward Item XVII. C. – Letter from Gretchen Rath, Portsmouth Fabric Company, requesting retailers to be invited to any meetings convened regarding downtown parking and allow her to speak to the matter. Seconded by Councilor Huda and voted.**

Ms. Rath spoke to her letter and expressed concerns regarding the reduction in parking spaces on Penhallow Street and how important it is that retailers be brought into any meetings convened regarding downtown parking.

**Councilor Kennedy moved to send the letter to the Parking & Traffic Safety Committee and the Economic Development Commission for a report back. Seconded by Councilor McEachern.**

Councilor McEachern said it is important to hear from Parking & Traffic Safety and the Economic Development Commission in the end we will have a system that will take in as many voices as we can on this matter.

Assistant Mayor Splaine said he has heard both sides of the issue and sending the letter to the Economic Development Commission as well as Parking & Traffic Safety Committee is the right decision. He said we need to look at utilizing other parts of the City and alley ways for an “outdoor Portsmouth.”

Mayor Becksted said you will have some challenges, and legislation only allowed us to serve alcohol until April. He said he would be happy to assist Mayor-Elect McEachern any way he could on this matter.

**Motion passed.**

Mayor Becksted said we would look at having a Non-Public Session on December 20, 2021.

Councilor Lazenby said the merits of us to go without having a Non-Public Session until December 20<sup>th</sup> is a concern. He said there are a number items directly impacting the McIntyre that we should be made aware of.

Councilor Huda said she would rather have a Non-Public Session with Attorney Connolly on this matter.

Councilor Lazenby said our long term City Attorney is our primary counsel and we should meet with him this evening.

*Councilor McEachern asked for a friendly amendment to schedule a Non-Public Session before any other agenda items are brought forward pertaining to McIntyre development we would table items until the December 20<sup>th</sup> City Council meeting. No second received.*

Councilor Trace said her item is only informational and that information was reviewed by City Attorney Sullivan and Acting Deputy City Manager/Deputy City Attorney Woodland for the original RFP.

Councilor McEachern said the Council voted to terminate the ground lease and RFP's. He said the City Council cannot issue an RFP as informational or otherwise.

Councilor Trace said former Deputy City Manager Colbert-Puff made the RFP.

Councilor McEachern said we need to have a Non-Public Session and he would like to hear from our City Attorney on the matter of McIntyre.

**Councilor Lazenby moved to adjust his motion to suspend the rules to address items XIV. A. – Acceptance of Donation to Portsmouth 400<sup>th</sup> – Geoff T. Smith - \$200.00; XIV. B. – Acceptance of Donation to the Skateboard Park – Steve De Trolio - \$2,100.00; XV. 3. – Request for Public Hearing and Adoption of Bond Resolution in the Amount of \$10,000,000 for the Acquisition of Community Campus; XV. 4. – Request for Public Hearing Regarding Supplemental Appropriation for Operating Expenses of Community Campus Upon Acquisition for Fiscal Year Ending June 30, 2022 and XV. 8. – Request to Join Opioid Settlement Agreement and go into Non-Public Session and table the remainder of the agenda to a future date. Councilor McEachern accepted the adjustment to the motion as the second to the original motion.**

**Motion motion passed as adjusted.**

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

- A. Acceptance of Donation to Portsmouth 400<sup>th</sup>
  - Geoff T. Smith - \$20.00
- B. Acceptance of Donation to the Skateboard Park
  - Steve De Trolio - \$2,100.00

**Councilor Kennedy moved to approve and accept the donations as presented. Seconded by Councilor Huda and voted.**

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

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

- 3. Request for Public Hearing and Adoption of Bond Resolution in the Amount of \$10,000,000.00 for the Acquisition of Community Campus

**Councilor Kennedy moved to authorize the City Manager to bring back for public hearing and adoption, a Resolution for the purchase of the Community Campus using various revenues sources and bonding, as presented, for the December 20, 2021 City Council meeting. Seconded by Councilor Lazenby and voted.**

4. Request for Public Hearing Regarding Supplemental Appropriation for Operating Expenses of Community Campus Upon Acquisition for Fiscal Year Ending June 30, 2022

**Councilor Kennedy moved to establish a public hearing at the December 20, 2021 City Council meeting for the purposes of considering a proposed Supplemental Appropriations Resolution in the amount of \$116,000.00 to cover operational expenses for the Community Campus. Seconded by Councilor Lazenby and voted.**

8. Request to Join Opioid Settlement Agreement

**Councilor Kennedy moved to authorize that the City Manager join in the State's settlement with McKesson Corporation, Cardinal Health and Amerisource Bergen regarding opioid claims. Seconded by Councilor Lazenby and voted.**

#### **XVI. CONSENT AGENDA**

- A. Letter from Becky Kates, Krempels Center, requesting permission to hold the 25<sup>th</sup> Annual Cisco Brewers Portsmouth Memorial Day 5K on Sunday, May 29, 2022 at 11:00 a.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Request for License to Install a Projecting Sign for owner Stacy Moore, Burgers Etc., LLC d/b/a Stroll Café for property located at 23 Portwalk Place ***(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***

**Councilor Lazenby moved suspend the rules to approve and adopt the Consent Agenda. Seconded by Councilor Kennedy and voted.**



**On a roll call 8-1, at 11:40 p.m., voted to enter into Non-Public Session regarding the McIntyre – RSA 91-A:3, II (e), Litigation. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Tabor, Trace and Mayor Becksted voted in favor. Councilor Huda voted opposed.**

**Councilor Trace moved to come out of Non-Public Session. Seconded by Councilor Whelan and voted.**

**At 12:50 a.m., Councilor Trace moved to adjourn and table the remainder of the City Council Agenda until the December 20, 2021 Council meeting. Seconded by Councilor Whelan and voted.**



KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK