

# CITY COUNCIL MEETING

Remote Meeting via Zoom Conference Call

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

[https://zoom.us/webinar/register/WN\\_Sg-uYL3KQTqAWtI8QKsi\\_g](https://zoom.us/webinar/register/WN_Sg-uYL3KQTqAWtI8QKsi_g)

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

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

**DATE: MONDAY, JANUARY 25, 2021**

**TIME: 7:00PM**

## **6:00PM – ANTICIPATED NON-PUBLIC SESSIONS:**

[https://zoom.us/webinar/register/WN\\_YpiRvUxQQzChPFKrxwZnZw](https://zoom.us/webinar/register/WN_YpiRvUxQQzChPFKrxwZnZw)

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

## **AGENDA**

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

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

## **XII. MAYOR BECKSTED**

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

## **XIII. CITY COUNCIL MEMBERS**

### **A. COUNCILOR HUDA**

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

### **B. COUNCILOR HUDA & COUNCILOR KENNEDY**

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

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

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

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

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

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

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

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

## XVI. CONSENT AGENDA

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

### Planning Director's Stipulations

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

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

### Planning Director's Stipulations

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

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

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

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

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

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

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

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

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

*\* Indicates verbal report*

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, JANUARY 11, 2021

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

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*At 5:30PM – Anticipated Non-Public Sessions were held on the following subjects: [https://zoom.us/webinar/register/WN\\_pRYgjJP5QcWLX89-ZT2IIA](https://zoom.us/webinar/register/WN_pRYgjJP5QcWLX89-ZT2IIA)*

1. *GREAT BAY TOTAL NITROGEN GENERAL PERMIT AND LONZA BIOLOGICS UPDATE – CONSIDERATION OF LEGAL ADVICE – RSA 91-A:3 II (I)*
2. *EDUCATION FUNDING UPDATE – CONSIDERATION OF LEGAL ADVICE – RSA 91-A:3 II (I)*
3. *DEER STREET ASSOCIATES PARKING AGREEMENT UPDATE – CONSIDERATION OF LEGAL ADVICE – RSA 91-A:3 II (I)*

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

At 7:15 p.m., Mayor Becksted called the meeting to order.

### **IV. ROLL CALL**

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

### **V. INVOCATION**

Father Dimitrios of Saint Nicholas Greek Orthodox Church asked everyone to join a moment of silence and led the Invocation and the City Council in prayer.

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

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

### **VII. ACCEPTANCE OF MINUTES – JUNE 4, 2020**

**Councilor Tabor moved to accept and approve the minutes of the June 4, 2020 City Council meeting. Seconded by Councilor Lazenby.**

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

## **IX. PUBLIC COMMENT SESSION**

Massimo Morgia spoke opposed to the request for the closure of Penhallow Street. He stated he has major issues and concerns as well as the effect it will have on the three businesses on the street.

Valerie Rochon, President of the Greater Chamber of Commerce, asked to postpone any vote on the Penhallow Street Request. She said the McNabb project is a welcome business but the current request to close the street would destroy the businesses on Penhallow Street. Ms. Rochon stated we must work together to allow all businesses to succeed.

Marie Bodi, Representative of McNabb Properties, said they are working diligently to accommodate whatever outdoor dining may occur this year. She stated the parking agreement from last year included the parking along Penhallow Street. Ms. Bodi said they believe they have come forward with a compromise to move Massimo dining area in another location and Mr. McNabb would assist in making the planters movable into the new space.

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

- A. Third and Final Reading of Ordinance amending Chapter 10, Article 6 – Overlay Districts – Flood Plain Overlay District Zoning Maps

**Councilor Lazenby moved to adopt the third and final reading of the proposed amendments to the Floodplain Overlay District. Seconded by Councilor Tabor.**

**On a roll call vote 7-1 with 1 abstention, motion passed. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Huda, Tabor and Mayor Becksted voted in vote. Councilor Kennedy voted opposed. Councilor Trace abstained from voting on this matter.**

## **XII. MAYOR BECKSTED**

1. Ethics Committee Drawing by Lot

City Clerk Barnaby conducted the drawing from her home. Councilor Lazenby was chose to serve on the Ethics Committee in a Drawing by Lot.

**Councilor Lazenby moved to suspend the rules to take up Item XVII A. – FY20 Annual Audit Presentation by Melanson CPA. Seconded by Councilor Whelan.**

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

Finance Director Belanger said before you is the CAFR and PAFR Reports for your reference. She stated the CAFR is part of, and has been for many years, the GFOA program. She advised the City Council that the comprehensive information is provided in a useful manner. She addressed the PAFR that contains information that is easy to read for which the document is interactive and appears online with a tutorial on how to use the report. Finance Director Belanger announced that the PAFR Report is available for residents interested in obtaining a copy.

Alina Korsak, of Melanson, reported that the CAFR has received a Certificate of Award beginning in 1988, 1989 and for 25 consecutive years from 1995 – 2019. She spoke to long term perspective on government wide financial statements. She reported that our revenues exceeded expected budget amounts by \$1.2 million. She said the City is consistent on Unassigned Fund Balance. Ms. Korsak addressed the ordinance to maintain fund balance and we are maintaining the current percentage as allowed under the ordinance. She said the City has decreased bonding in FY2020 and are borrowing at the legal debt level.

Councilor Huda asked if Ms. Korsak could discuss maintaining independence. Ms. Korsak explained gathering information and documentation on how management and skill, knowledge and experience to accept responsibility for the services and the numbers provided. She further stated that all the information is compiled comes from the City with the Audit Team. She reported that the information is consolidated and they take the City conversion entries. Councilor Huda asked about the matter of the processing of stipends in the Management Letter. Finance Director Belanger said internal controls exist but we had some turnover in the Human Resources Department and during a special detail stipend inadvertently the second signature was not obtained before going to payroll. Ms. Belanger indicated this occurred because of the changeover in the Human Resources but the process has been re-implemented.

Councilor Kennedy asked when the auditors were here. Ms. Korsak said in July, August and October with the report being completed in December. Councilor Kennedy asked if the school single audit reports have been completed. Ms. Korsak replied they're due by March 31<sup>st</sup>.

## 2. Acknowledgement of Board and Commissions – 2020

Mayor Becksted acknowledged the work of various Boards and Commissions over the last year. He announced those Boards and Commissions that had resignations this year and thanked the individuals for serving on the following Boards/Commission: Neighborhood Blue Ribbon Committee, Portsmouth Housing Authority, Conservation Commission, Historic District Commission, Library Board of Trustees, Zoning board of Adjustment and the Planning Board. He also acknowledged current members serving and staff for their work.

3. Appointments to ReOpen Portsmouth 2021 Blue Ribbon Committee
  - John Akar
  - Anne Weidman

Mayor Becksted announced the appointments of John Akar and Anne Weidman to the Committee.

4. Appointment to Portsmouth Health Blue Ribbon Committee
  - Rich DiPentima

Mayor Becksted announced the appointment of Rich DiPentima to the Committee.

5. Resignations
  - Lisa Louttit of the Recreation Board
  - Lisa Louttit of the Peirce Island Committee

Mayor Becksted announced the resignation of Lisa Louttit from the Recreation Board and the Peirce Island Committee.

6. Creation of Arts and Non-Profit Blue Ribbon Committee (Not on Agenda)

Mayor Becksted announced the creation of the Arts and Non-Profit Blue Ribbon Committee. He said individuals do not have to be a resident to serve on this Committee. He brought forward the names of individuals he is appointing thus far: Barbara Massar, Tina Sawtelle, Jason Goodrich and Russ Grazier.

7. Red Cross Flag (Not on Agenda)

Mayor Becksted announced that the Red Cross is providing flags to fly in recognition and support of our front line workers during the pandemic. He advised the City Council that he will be flying a flag from the window of his office. He reported that an additional 200 flags will be made available for distribution through the Library during curbside pick-up hours.

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

#### **A. COUNCILOR WHELAN**

1. **Action Items Needing City Council Approval:**
  - Parking concerns on Albany Street between Brewery Lane and Cass Street

Councilor Whelan reported that Parking and Traffic Safety voted to prohibit parking from Albany Street to Brewery Lane.

2. Parking and Traffic Safety Committee Action Sheet and Minutes of the December 10, 2020 meeting

**Councilor Whelan moved to approve and accept the action sheet and minutes of the December 10, 2020 Parking and Traffic Safety Committee meeting. Seconded by Councilor Lazenby.**

Councilor Kennedy asked how many parking spaces we will be losing with this change. Councilor Whelan said two or three spots.

Mayor Becksted asked if any residents attended to express concerns regarding the change. Councilor Whelan said no concerns were expressed. He further indicated that this matter has been on the agenda for the last three Parking and Traffic Safety Committee meetings.

**On a roll call 6-3, voted to approve and accept the action sheet and minutes of the December 10, 2020 Parking and Traffic Safety Committee meeting. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby Tabor and Trace voted in favor. Councilors Kennedy, Huda and Mayor Becksted voted opposed.**

3. McIntyre/Portsmouth Listens

Councilor Whelan reported that Portsmouth Listens has 22 groups with 250 residents to participate in the Study Circles regarding the McIntyre Project. He announced on January 20<sup>th</sup> Portsmouth Listens will be making a Presentation to the City Council regarding the McIntyre Study Circles. Councilor Whelan also advised the City Council that a survey is available on-line until February 5<sup>th</sup> from the principle group. He announced we have received 160 responses at this point and people are taking hours to participate on the survey.

Councilor Kennedy asked how we are advertising the survey. Councilor Whelan said it is available on-line. City Manager Conard said it is also part of the City Manager's Advisory.

**B. COUNCILOR McEACHERN**

1. State of broadband internet access in City of Portsmouth

**Councilor McEachern moved to request the City Manager for a report back on broadband internet access. Seconded by Councilor Tabor.**

Councilor Huda requested a copy of the contractual agreement for the Council and asked if we could make changes if the report back has any negatives.

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

**C. COUNCILOR HUDA**

1. Preliminary FY22 Annual Budget Guidance from the Council  
Data needed in Preparation for the upcoming FY22 Budget Sessions:

- Final FY20 Actual Detail
- December 2020 Monthly Report
- FY21 CIP Spend & Remaining Balances

Following up on the request made for this data during the December 7, 2020 Council meeting

- Report Back on the Date of availability for the Final FY20 Actual Detail – Per the City Manager this data is available – Please provide download to Council
- Report Back on FY21 CIP including the following:

November 2020 & 6 Months ended December 2020 CIP Balances to include:

- FY21 CIP Distribution by Line Item Amount
- YTD Spend
- YTD Encumbered
- Remaining Balance

(Received Data on the General Fund)

Status of above Request on the Remaining 5 Columns in the FY21 CIP Listed Below:

- Enterprise Funds
- Bond/Lease
- Federal/State
- Other Revenues
- PPP

Councilor Huda requested December financial numbers and a download of information contained on-line. City Manager Conard said the December Report is under way and is provided the third week of the following month with detailed information.

No action taken regarding this matter.

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

- A. Acceptance of Donation for the Senior Center Lunch Program - \$150.00

**Councilor Kennedy moved to accept the donation of \$150.00 for the Senior Lunch Program as presented. Seconded by Councilor Huda.**

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

- B. Acceptance of Sub-Grant Through the State of NH Secretary of State from CARES Act for the Primary Election in September and General Election in November 2020 - \$71,635.93

**Councilor Lazenby moved to authorize the City Manager to apply for, accept and expend the additional election grant funds received through the CARES Act in the amount of \$17,552.84 and the increased match amount of \$3,404.01 (for a total of direct grant of \$71,635.93 and 20% match of \$14,220.63), subject to the terms of any offer, rule or regulation pertaining thereto and any other election security grants or other funds received by gift, grant or loan from state, federal or other governmental units to assist with elections. Seconded by Councilor Huda.**

Councilor Kennedy asked when the funds were received. City Clerk Barnaby responded last week.

Councilor Huda asked if receipts were needed for this grant. City Clerk Barnaby stated the information required was the number of absentee ballots processed.

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

C. Acceptance of Community Development Block Grant Funds - \$490,082.00

**Councilor Lazenby moved to authorize the City Manager to apply for, accept and expend Community Development Block Grant in the amount of \$490,082.00 through the CARES Act from the U.S. Department of Housing and Urban Development subject to the terms of any offer, rule or regulation pertaining thereto. Seconded by Councilor Huda.**

City Manager Conard reported we received the initial grant in June and received second notification of additional funds from HUD. She advised the City Council that these funds must be spent in three years.

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

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

**A. CITY MANAGER CONARD**

1. 60 Penhallow Street (Brick Market) Request for Temporary Construction Licenses

City Manager Conard said that Marie Bodie and Lynn Kramer representing Mr. McNabb are here to answer any questions of the Council.

Councilor Kennedy said she and Councilor Huda attended the meeting put together by the City regarding this matter. She said some changes would need to be looked into based on Planning Director Walker's comments. She said there are still uncertainties and felt there should have been another meeting to discuss the matter further. She indicated she would like to know the City's perspective before voting.

Councilor McEachern said we heard from some restaurants and Mr. McNabb made some compromises on this matter. He would like this resolved as soon as possible and perhaps we should delay this matter for a week.

Councilor Trace supported the project before she was a City Councilor but she is hearing from other establishments that this project is for the benefit of one over the other businesses on Penhallow Street. She stated there is plenty we don't know about the project, such as this is Phase I of three phases. She expressed concerns relative to the outdoor dining piece and how it needs to be the same as last year. She said she would not support the closure of Penhallow Street.

Councilor Whelan said we need to table this matter and have Mr. McNabb and businesses work this out with the City as a mediator.

**Councilor Whelan moved to table the request until the January 25, 2021 City Council meeting for the City along with Mr. McNabb and affected restaurants to sit down and work this out. Seconded by Assistant Mayor Splaine.**

Councilor Huda said the needs of many outweigh the needs of one. She reported that the meeting Councilor Kennedy and she attended there was discussion of a Phase II and Phase III which effects the same area and time period. She said the City should be able to find another location to stage materials and bring them into the project site.

Councilor Tabor said we are hearing that Mr. McNabb is speaking with Massimo and other businesses and that needs to be reviewed by the City. He stated we should take this up at the next City Council meeting.

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

2. Request for a Temporary Construction License for 145 Maplewood Avenue (aka 11 Maplewood Avenue)

City Manager Conard spoke on this matter and the need for a further extension beyond February 15<sup>th</sup> to March 15<sup>th</sup>. She said a meeting was held with abutters and the total license term would be 83 days.

**Councilor Lazenby moved to authorize the City Manager to execute and accept the temporary construction license regarding 145 Maplewood Avenue as submitted. Seconded by Councilor McEachern.**

Councilor Kennedy asked if this would affect any restaurant or outdoor dining. City Manager Conard said not by any plans she has seen.

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

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

- B. Email Correspondence

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

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

- C. Letter from Steve Parker Feld and Michael Danley, Friends of the First NH State House, regarding input into Historic Preservation of the McIntyre Property

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

Assistant Mayor Splaine said he has been involved with this matter for 15 years. He said he worked with Representative Jackie Cali-Pitts to save parts of the old 1700's State House and this effort is to try to find a way to implement this at the McIntyre Building site. He said there is discussion to consider this matter. He said it is a great idea and could be part of the City's history.

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

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

### **1. Update on Status of 135 Congress Street/Bluestone Parking Request**

City Manager Conard said information has been provided in her comments. She said they have negotiated over 6 months and are far apart on two items. She stated we have failed to reach the full agreement but will resume negotiations and wanted to apprise the City Council with this information.

City Attorney Sullivan said the issue of the cost brings in revenue for the City and that is the sticking point at the moment. He said we will discuss the matter further and try to come to a resolution on the outstanding points.

Councilor Kennedy thanked City Manager Conard and City Attorney Sullivan for working on this matter.

### **2. Status Update on the Report Back on the Middle Street Bike Lanes**

City Manager Conard said staff will meet with DOT this week and a full report will come back to the City Council at the January 25, 2021 meeting.

Councilor Kennedy asked if the meeting would be public. City Manager Conard said all zoom meetings and conference calls are public. Councilor Kennedy requested that City Manager Conard inform the City Council when the meeting will take place.

### **3. Code of Ethics Advisory Opinion for Trustees of Trust Funds**

City Attorney Sullivan reported on this matter. He said the Trustees of Trust Funds went through an RFP process for engaging an outside firm to serve as investment/financial advisory and manager of the funds. One of the firms to submit an RFP was TD Wealth a unit of TD Bank, N.A. City Attorney Sullivan reported the need for an opinion is that all three Trustees have some relationship with TD Bank. He advised in review of this matter, it is his opinion that there was no ethical issue presented by the selection process leading to TD Wealth, but each of the three Trustees may proceed to enter an agreement with TD Wealth without that action being in violation of either the City Charter or the Municipal Code of Ethics.

### **4. Little Harbor Loop Trail Tree Identification**

City Manager Conard said the Piscataqua Garden Group is working to identify trees along the Little Harbor Loop Trail. The trees will be labeled on the portion of the trail directly off of Little Harbor Road to the lookout on the back harbor. She reported the first phase of our tree identification project would involve attaching labels to six species of trees, two examples of each species, for a total of 12 trees. City Manager Conard stated the Garden Club is putting labels on these trees with the idea that they might provide additional labels for other trails or in other Portsmouth public parks.

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

City Manager Conard said that the report is being provided in advance of the report from the Committee that will take place at the January 25<sup>th</sup> City Council meeting.

Councilor Kennedy said given the number of people involved with the Prescott Park Master Plan this would be a good opportunity to have a work session for the public to review and provide public comment during the work session.

**Councilor Kennedy moved to hold a Work Session on the Prescott Park Report. Seconded by Councilor Huda.**

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

Mayor Becksted said City Manager Conard would report back to the City Council with a date for the Work Session.

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

Councilor McEachern announced that Ray Goulet WWII Veteran will be celebrating his 98<sup>th</sup> Birthday and asked that people send him birthday cards to his home at 245 Middle Street. Mayor Becksted said he will have the honor of visiting Mr. Goulet on his birthday.

Councilor Kennedy said she is pleased with the appointment of the Mayor's Blue Ribbon Committee Reopen Portsmouth 2021. She stated they would be reviewing all businesses.

Councilor Tabor thanked everyone that has worked on the McIntyre Portsmouth Listens Study Circles. He said it is a great process and Portsmouth Listens will report out at the January 20<sup>th</sup> City Council Work Session and make a Presentation of Findings.

**XX. ADJOURNMENT**

**At 9:25 p.m., Councilor Huda moved to adjourn. Seconded by Councilor Kennedy.  
On a unanimous roll call vote 9-0, motion passed.**



KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK



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

**APPOINTMENT APPLICATION**

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

Committee: African Burying Ground Initial applicant

Name: Ronald Baisden Telephone: 603-674-8718

Could you be contacted at work? YES/NO If so, telephone# 603-674-8718

Street address: 315 Union St.

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

Email address (for clerk's office communication): ronaldbaisden@yahoo.com

How long have you been a resident of Portsmouth? 19 years

Occupational background:

Pharmaceutical/Medical Device Sales

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

NA

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

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

Reasons for wishing to serve: As an African-American  
living in Portsmouth, I have always had an interest  
in the African Burying Ground, as well as  
future directions it make take.

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

AHEPA

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

1) Mark Newport Interim Police Chief 603-427-1600  
Name, address, telephone number

2) Eldon Collymore Cutts Ave. 603-789-1388  
Name, address, telephone number

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

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

Signature: [Handwritten Signature] Date: 12/21/20

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

Please submit application to the City Clerks Office, 1 Jenkins Avenue, Portsmouth, NH 03801  
6/27/2012

# RONALD BAISDEN

315 Union Street | Portsmouth, NH 03801 | 603.674.8718 | ronaldbaisden@yahoo.com

## ACCOMPLISHED SALES LEADER

SOLID REGIONAL SALES LEADERSHIP | EXPERTISE IN HEALTHCARE INDUSTRY SALES | TOP REVENUE GROWTH

- **Experienced Sales, Account Management, and Business Development Professional...**Accomplished candidate actively pursuing opportunities to drive revenue and market development where strategic vision, expertise in pharmaceutical sales, account management, and revenue growth will be held at a premium.
- **Expert Command of All Sales Aspects** with experience in pharmaceutical sales, and medical device implantations, with LivaNova, DSI, and Abbott Laboratories; managed sales of over 60 products to a diverse roster of 200 accounts for IDEXX Laboratories.
- **Results-Focused Business Manager** with extensive experience establishing and leading relationships with key stakeholders and decision-makers. Well versed in driving increased penetration into existing accounts while building new account relationships.

### LEADERSHIP & SALES EXPERTISE

- Expertise in Pharmaceutical and Medical Device Sales
- Developing and Executing Sales Strategy
- Achieving and Sustaining Growth
- Building Key Opinion Leaders
- Developing Sales Territories
- Increasing Account Penetration
- Award-Winning Performance
- Establishing Dominant Market Share
- Trusted Advisor to Medical Professionals

## EXECUTIVE HISTORY

### 2017 to Present LivaNova Medical Devices, Houston TX - Associate Therapeutic Consultant

Worked closely with neurologist to advance the standard of drug-resistant epilepsy (DRE) care and shift the treatment paradigm forward. Provided economic value propositions with account administrators and executives, able to build long-term partnerships with accounts, define account objectives and opportunities to meet territory and region objectives.

- ① Managed the VNS opportunity pipeline by overseeing account management, securing orders, and coordinating LivaNova resources to meet account priorities.
- ① 2019. 140% New Unit quota, 114% Revenue Quota, 88% New Patient Implant Quota
- ① 2018. 104% New Unit Quota, 112% Revenue Quota, 105% New Patient Implant Quota
- ① Maintains accurate inventory and stocking of necessary surgical equipment in all implant facilities.
- ① Coordinate OR consults and surgery schedules to ensure quotas were met in a timely manner, and forecast monthly and quarterly goals to ensure continued territory growth.
- ① Partner with subject matter experts in order to determine real world needs, and become a subject matter expert in a short period of time.

### 2016 to 2017 Daiichi-Sankyo Pharmaceuticals, Parsippany, NJ - Senior Specialty Sales Representative

Success and achievement at this global healthcare corporation, marked by increased sales volume, and above average territory growth.

- ① As Senior Specialty Sales Representative, met the challenge of managing sales of an opioid antagonist product throughout a territory comprised of Maine. Promoted the adoption of *Movantik* by medical practices and hospitals for the treatment of Opioid Induced Constipation.
- ① Exponential growth, lifted Portland, ME territory within District, Region, and National positions. QTD Volume change increase of 65.31%. 300% of total target goal. Resulted in territory ranking movement of 21%.
- ① Continued successful practice of strategically partnering with clients to achieve positive outcomes with their practices, as well as their patient base.
- ①

*"Through his positive approach and incredible strong passion for success, Ron pushed himself to make an immediate impact and turn negative territory trends around. His impact was immediate. He quickly became one of the top growth leaders in the Northeast Region and East Area..."*

**Dan G., Senior Area Specialty/Hospital Sales  
Manager  
Daiichi Sankyo, Inc.**

### **2014 to 2016: IDEXX Laboratories, Westbrook, ME**

#### **– Sales Representative**

Fulfilled a critical role driving revenue for this leading \$1.3B provider of diagnostics and IT solutions for animal health and water/milk quality, with accountability for sales to veterinarians throughout Virginia, Maryland, and Washington DC.

- ① Outstanding and exceptional results, boosting territory revenue from \$10.3MM to \$12.5MM through sales of a portfolio of over 60 products to a diverse roster of 200 accounts; consistently captured 10% YOY growth, securing 153% of revenue target for Q1 2015.
- ① Cultivated contact with key stakeholders and influencers within prospective client accounts while strengthening existing relationships to secure increased penetration.
- ① Achieved a reputation as a trusted strategic partner to clients, providing guidance and direction on strategies that leverage IDEXX products and services to increase client revenue and build their businesses.
- ①

### **2012 to 2013: Veracode, Burlington, MA**

#### **– Account Manager**

Applied decisive business leadership and superior sales expertise to manage sales of a powerful application security platform to enterprise clients with market capitalization of \$500MM or more. Engaged with software developers, senior managers, and C-suite executives to demonstrate the ability of the company's product to identify weaknesses in client applications and websites.

- ① Leveraged a consultative approach to gain insight into the requirements and challenges faced by each client, leading to the recommendation and sale of services aligned with the size and IT infrastructure unique to each account.
- ① Exercised the authority to negotiate pricing and other key terms and conditions with each client; overall, delivered \$200K in revenue within a short time-frame, with 126% of quota for Q4 2012.

### **2004 to 2010: Abbott Laboratories, Chicago, IL**

#### **– Specialty Sales Representative**

A demonstrated record of success and achievement at this global healthcare corporation, marked by a promotion to a position of increased influence, authority, and accountability.

As Specialty Sales Representative, met the challenge of managing sales of the flagship product throughout a territory comprised of Maine, New Hampshire and Massachusetts. Promoted the adoption of *Humira* by medical practices and hospitals for the treatment of Crohn's Disease and colitis.

- ① Successfully achieved increased penetration into practices with multiple physicians, increasing the volume of revenue generated by the existing customer base.
- ① Established a network of Key Opinion Leaders to spark positive discussion and brand advocacy within the medical communities of these three states.
- ① Recognized for skyrocketing territory ranking from 35<sup>th</sup> out of 50 in 2008 to 7<sup>th</sup> just two years later; produced a volume of 200 prescriptions annually, constituting \$3.3MM in gross revenue.

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## **EDUCATION AND PROFESSIONAL DEVELOPMENT**

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### **Military Service**

Lieutenant, United States Navy (1994 to 1998), Honorable Discharge

### **Education**

Bachelor of Arts in Communication (Minor in Community Development) – UNIVERSITY OF NEW HAMPSHIRE

### **Sales Training Methodologies and Seminars**

Miller-Heiman - Strategic Selling - Spin Selling - Sandler Selling



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

## APPOINTMENT APPLICATION

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

Committee: African Burying Ground **Initial applicant**

Name: JerriAnne Boggis Telephone: 603-318-5120

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

Street address: Work: 222 Court Street, Portsmouth, NH 03802

Mailing address (if different): Home: 10 Buxton Rd, Milford, NH 03055

Email address (for clerk's office communication): jaeboggis@blackheritagetrailnh.org

How long have you been a resident of Portsmouth? working: 7 years

### Occupational background:

Executive Director Black Heritage Trail of New Hampshire for 3 years. Director for the Portsmouth Black Heritage Tril for 4 years.

Text

Text

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

Non voting invited guest for the past yer.

Early Independent advisor for the ABG Blue Ribbon Commissions

Co organizer for ABG memorial event.



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

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

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

I am committed to raising awareness for New Hampshire's Black history and dispelling racist stereotypes. I believe sharing a truer, more inclusive story of America's history we can create room for understanding and healing the divide that separate us.

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

New Hampshire Charitable Foundation, New Hampshire Listens, New Hampshire Advisory Commission for Civil Rights, Seacoast News Advisory Board, Strawberry Banke Board of Directors

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

1) Valerie Cunningham  
Name, address, telephone number

2) Vernis Jackson  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: J. Bogue Date: December 14, 2020

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

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



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

## APPOINTMENT APPLICATION

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

Committee: African Burial Ground Stewardship **Initial applicant**

Name: Kathleen Wheeler Telephone: (603) 498-7698

Could you be contacted at work? YES/NO If so, telephone # No (retired)

Street address: 20 Douglas Way, Eliot, ME 03903

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

Email address (for clerk's office communication): kwheeler92@gmail.com

How long have you been a resident of Portsmouth? resident of Portsmouth 24 years

Occupational background:

Owner/Director of Independent Archaeological Consulting, LLC, now retired

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

was the archaeologist who directed the research, fieldwork, analysis, and write-up of

work at the Portsmouth African Burial Ground

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

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

Reasons for wishing to serve: wish to continue involvement in ongoing research of remains  
and what we might learn from the ancestors

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

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

1) Valerie Cunningham, Portsmouth, NH , (603) 380-1231  
Name, address, telephone number

2) Jacob Tumelaire, 103 Henry Law Ave, Dover, NH 03820, (603) 703-6714  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Kathleen Wheeler Date: 12/12/2020

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

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801  
6/27/2012

Dear Mayor Becksted,

It is with much respect for the City's Conservation Commission that I submit a resignation for my role as a Commission member. Due to family health considerations I am unable to fully commit to my responsibilities as a conservation Commission member. I appreciate the opportunity to serve on this board, if my situation changes in the future I will reevaluate my ability to serve the City and follow-up with a new application.

Sincerely,

Adam Webster

[www.compostbiotic.com](http://www.compostbiotic.com)

#energyiseverywhere

617.901.3245

**CITY OF PORTSMOUTH**

**LEGAL DEPARTMENT**

**MEMORANDUM**

DATE: January 19, 2021  
TO: RICK BECKSTED, MAYOR  
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY  
RE: CITY COUNCIL AGENDA – JANUARY 25, 2021

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At your request, I have drafted an ordinance which would amend the appointment process for the Board of Adjustment and the Historic District Commission so that they would be parallel to the appointment process contained in ordinances for the Planning Board.

Specifically, the Planning Board approval language is that resident members are appointed “by the Mayor with the approval of the City Council.” Attached is a draft ordinance which would create that same situation with respect to the Board of Adjustment and Historic District Commission. The proposed amendments show the language which would be changed.

RPS/smr

Attachments

cc: Karen S. Conard, City Manager

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article III **BOARDS**, Section 1.310 **ZONING BAORD OF ADJUSTMENT**, and Article IV **COMMISSIONS AND AUTHORITIES**, Section 1.404 **HISTORIC DISTRICT COMMISSION**, of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

**ARTICLE III:           BOARDS**  
**Section 1.310:        ZONING BOARD OF ADJUSTMENT**

- A.    Membership and Term: The Zoning Board of Adjustment shall consist of seven (7) members and two (2) alternates, all of whom shall be residents of Portsmouth, appointed for terms of five years by the **Mayor with the approval of the** City Council. Appointments shall be apportioned, and the Board shall annually elect a Chairman for its membership. Members and alternates shall serve without compensation and shall hold no other municipal office except ward official, election official and checklist supervisors. ~~When making appointments to the Board of Adjustment, the Council shall consider as candidates the alternates of the Board as well as other nominations by the Mayor.~~ The Mayor shall submit the names of **alternates and nominations appointees** to the council within thirty days after a vacancy occurs.

**ARTICLE IV:           COMMISSIONS AND AUTHORITIES**  
**Section 1.404:        HISTORIC DISTRICT COMMISSION**

- A.    Membership and Term
1.    Membership: The Historic District Commission shall consist of seven members and two alternates appointed by the **Mayor with the approval of the** City Council.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

---

Rick Becksted, Mayor

ADOPTED BY COUNCIL:

---

Kelli L. Barnaby, City Clerk

**DATE: JANUARY 20, 2020**

**TO: CITY CLERK KELLI BARNABY  
MAYOR BECKSTED  
CITY MANAGER CONARD**

**FROM: (1) CITY COUNCILOR HUDA  
(2) CITY COUNCILOR HUDA & KENNEDY**

**SUBJECT: JANUARY 25TH 2021 CITY COUNCIL MEETING AGENDA REQUEST (ZOOM MEETING)  
PLEASE PUT THIS UNDER THE NAMES LISTED ABOVE. THANK YOU**

**1) MAKE A MOTION THAT THE CITY MANAGER ENGAGE A NEW AUDITING FIRM FOR THE FY21 CITY FINANCIAL AUDITS**

**FOLLOW UP ON AUGUST 3RD CITY COUNCIL MEETING AGENDA REQUEST**

**2) COUNCILORS HUDA & KENNEDY MADE A MOTION TO REVIEW THE MIDDLE STREET BIKE LANES CURRENT IMPLEMENTATION FOR SAFETY IN LIEU OF THE RECENT ACCIDENT.**

**PLEASE ALSO REPORT BACK TO THE RESIDENTS AND THE COUNCIL THE PROCESS THAT HAS TAKEN PLACE AFTER THE MOTION BY THE COUNCIL TO REVIEW THE MIDDLE STREET BIKE LANES WITH THE STATE OF NH.**

**3) IN FOLLOW UP TO A REQUEST MADE BY COUNCILOR KENNEDY AT THE INITIAL CIP REVIEW MEETING**

**MAKE A MOTION FOR A REPORT BACK FROM THE CITY MANAGER TO THE RESIDENTS AND THE COUNCIL ON THE STATUS OF ALL OUTSTANDING BONDS RELATED TO CAPITAL IMPROVEMENT PLAN.**

**PLEASE INCLUDE THE FOLLOWING DATA :**

- \* DATE THE BOND WAS APPROVED BY THE COUNCIL**
- \* DATE OF THE BOND ISSUANCE, AMOUNT & TERM OF THE BOND**
- \* LIST OF BONDS APPROVED BY THE CITY COUNCIL THAT ARE UNISSUED AS OF 12/31/20**
- \* LIST OF THE PROJECTS THAT THE BOND IS PROVIDING FUNDS TO IMPLEMENT--- (IF INCLUDED IN A POOLING OF PROJECTS, PLEASE NOTE PROJECTS INCLUDED BY AMOUNT)**
- \* STATUS TO COMPLETION OF EACH PROJECT ( I.E. % COMPLETE, 25%, 95%)**
- \* REMAINING BALANCE ATTRIBUTED TO EACH PROJECT AT 12/31/20**



## CITY OF PORTSMOUTH

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

Karen S. Conard  
City Manager

**Date:** January 21, 2021

**To:** Honorable Mayor Rick Becksted and City Council Members

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

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

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

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

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

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

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

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

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

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

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

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

**Option 1:**

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

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

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

**Option 2:**

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

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

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

**Option 3:**

Do Nothing (Leave As Is)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 7. Donor Town Education Funding and Coalition Communities 2.0:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sign dimensions: 42” x 48”

Sign area: 14 sq. ft.

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

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

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

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

Sign dimensions: 30” x 30”

Sign area: 6.25 sq. ft.

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

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

## *XVII. Presentations and Consideration of Written Communications and Petitions:*

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

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

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

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

### **D. Presentation Regarding Middle Street Bike Lane Review:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**EMPLOYMENT AGREEMENT**

**1. Preamble**

This Agreement is entered into between the Police Commission, City of Portsmouth, New Hampshire (hereinafter called “Commission”) and Mark Newport (hereinafter called “Employee”). This Agreement is null and void unless approved by the Portsmouth City Council.

**2. Term And Domicile Requirement**

The Commission agrees to employ the Employee and the Employee agrees to accept employment in the position of Chief of Police of the City of Portsmouth, New Hampshire for a term commencing on the date that this Agreement is approved by the Portsmouth City Council and ending on January 31, 2024. The parties may, by written agreement executed by both parties and approved by the Portsmouth City Council, agree to extend the term of this Agreement.

The parties intend this Agreement to replace and supersede the October 5, 2020 Employment Agreement Interim Chief of Police currently in place between the parties.

The Commission and the Employee acknowledge that this is a full-time, year-round position including extensive obligations in the evenings and on weekends. The Employee agrees to devote all of his professional efforts to the successful fulfillment of the responsibilities of Chief of Police as described by New Hampshire Statute, the Charter of the City of Portsmouth, the rules and regulations of the Portsmouth Police Department, and as reasonably directed by the Commission.

The Employee will be required to maintain a domicile in Portsmouth, New Hampshire throughout the term of this Agreement. The Employee’s failure to comply with this requirement may, at the sole option of the Commission, be considered grounds for termination for cause, as per the provisions of Section 5 below. The Commission agrees to reimburse the Employee up to a total of \$5,000.00 for properly documented moving expenses.

**3. Salary**

Commencing on the date that this Agreement is approved by the Portsmouth City Council, the Employee will be placed on Grade 28, Step G of the City of Portsmouth Non-Union Salary Schedule and paid an annual base salary of \$148,557.55, subject to such deductions as may be authorized by the Employee and/or as may be required by law.

Effective July 1<sup>st</sup> of 2021, 2022 and 2023, a COLA to the Employee’s base salary shall be computed which shall not be less than 2% nor more than 5%. The COLA shall be

determined by taking the 10 year average of the CPI-U for the Boston-Cambridge-Newton—MA-NH all items index as computed by the Bureau of Labor Statistics of the US Department of Labor for the most recent 10 calendar years preceding the July 1 adjustment. BLS's calendar year for this index is November through November, it is not published on a December to December basis. The reference base is 1982-1983 equals 100 until BLS updates the reference base at which time the parties agree to adopt the official reference base as used by BLS.

The Commission and the Employee shall annually define such performance objections as they may determine necessary for the proper operation of the Department and in attainment of the Commission's policy objectives and shall further establish a relative priority among those various objectives, these objectives to be reduced to writing. The objectives shall generally be attainable within the time limitations as specified and the annual operating and capital budgets and appropriations provided. At the completion of the review and evaluation, the Commission shall provide the Employee with a summary written statement of its findings and provide adequate opportunity for the Employee to discuss the review and evaluation with the Commission. The parties may, by written addendum executed by both parties and approved by the Portsmouth City Council, agree to provide additional compensation to the employee in recognition for his accomplishment of the performance objectives identified by the Commission.

#### **4. Certification**

During the term of this Agreement, the Employee will be required to maintain certification as a full-time police officer as required by the New Hampshire Police Standards and Training Council.

#### **5. Termination for Cause**

This Agreement may be terminated by the Commission at any time for cause, i.e., failure on the part of the Employee to comply with any term or condition of this Agreement, the laws, rules and regulations of the State of New Hampshire, or the rules and regulations of the Commission, or the City of Portsmouth; or malfeasance, misfeasance, nonfeasance, or insubordination in carrying out the responsibilities of the position as specified in the Municipal Charter of the City of Portsmouth or as directed by the Commission.

Termination for cause shall take place only following written notification specifying the reasons for termination. Unless the Employee submits to the Commission, within twenty (20) days of receipt of such notification, a written request for a hearing before the Commission, the Agreement shall be considered terminated as of the date which falls thirty (30) days after the Employee's receipt of notification. If the Employee requests a hearing, the Commission shall hold this hearing within twenty (20) days after receipt of such request. The Commission shall render a written decision to the Employee within ten (10) days of the hearing. In the event of a termination for cause, the Employee shall receive no severance and no further compensation beyond the last day worked.

Nothing in this paragraph will limit the Employee's rights under the provisions of NH RSA 105:2-a.

**6. Termination with Severance Payment**

If at any time the Commission in its discretion shall so determine, the Commission may, without cause and with or without prior notice, relieve the Employee of his duties under this Agreement. In such event, the Employee shall be entitled to severance benefits. Such severance benefits shall – be equal to 12 months' salary or the balance of the salary remaining under the term of the Agreement, whichever amount is less. As set forth above in Section 5, if the termination is for cause, the Employee shall not be entitled to severance benefits. Severance benefits shall not be paid upon the voluntary resignation of the Employee.

**7. Termination by Mutual Consent/Voluntary Resignation**

This Agreement may be terminated at any time by mutual consent of the Commission and the Employee or by voluntary resignation of the Employee. In the event the Employee voluntarily resigns before the expiration of the term of this Agreement or any renewal thereof, the Employee shall give the Commission thirty (30) days written notice in advance of such resignation. In the event of voluntary resignation, the Employee shall not be eligible for severance benefits.

**8. Severance Constitutes Release**

The acceptance by the Employee of the severance benefits provided under this Agreement shall constitute a full and complete release of any other rights, claims, or causes of action whether in law, equity or otherwise, that the Employee may have against the Commission, the City of Portsmouth, and the employees, elected or appointed officials, officers, agents, representatives and attorneys of such entities, including any rights that the Employee may have under NH RSA 105:2-a.

**9. Benefits**

Except as otherwise provided herein, the Employee's fringe benefits shall be established by the collective bargaining agreement currently in place between the City of Portsmouth and the Professional Management Association ("the PMA CBA"). The exceptions shall be described in detail in Section 10 below.

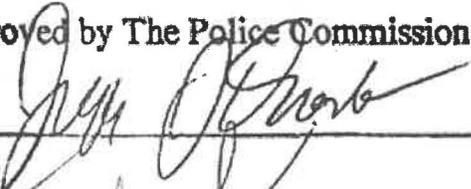
**10. Exception to Benefits in Section 9**

In lieu of or in addition to the compensation enumerated in Section 9, the Employee shall also be entitled to the following:

- a. The Employee will maintain the following fringe benefits consistent with the terms of the Portsmouth Police Ranking Officers CBA and not the PMA CBA: workers' compensation insurance; liability insurance; and the Employee's level of clothing allowance, vacation accrual and personal day accrual as of the date of this Agreement.
- b. The Employee will maintain the paid leave that he has currently accrued. With respect to his accrued vacation leave, beginning on January 1, 2022, the Employee will be required to comply with the cap for vacation accrual included in the PMA CBA. With respect to his accrued sick leave, the Employee will continue to have his total accrual capped at 226 days, and he will remain entitled to a payout of up to 90% of 150 days upon his retirement as per the terms of the Portsmouth Police Ranking Officers CBA.
- c. During the second year of this Agreement, the Commission will work with the Employee to schedule his attendance at the FBI Academy.
- d. The Employee shall be provided with a suitable automobile for use in the performance of his duties under this Agreement. Recognizing that the Chief of Police is on-call at all times, it is understood that the automobile may also be used for personal business.
- e. Subject to budgetary constraints, the City agrees to cover the cost of tuition and textbooks for courses and/or other classes that would provide for improved job performance as part of a career development program. Prior approval by the Commission of any and all courses is required. If the Employee fails to successfully complete the course and/or class with a final passing grade, he will be required to reimburse the City for the entire cost of tuition and textbooks.
- f. The City recognizes that certain expenses of a non-personal and generally job-related nature will be incurred by Employee, and hereby agrees to reimburse or to pay said general expenses upon receipt of duly executed expense vouchers, receipts, statements or personal affidavits, subject to budgetary authorization to be approved by the Commission as an element of the annual Department budget.
- g. The City hereby agrees to pay, within budgetary constraints and subject to the prior approval of the Commission, the professional dues and subscriptions of the Employee necessary for his continuation and full participation in national, regional, state and local associations and organizations, necessary and desirable for his continued professional participation, growth and advancement.

**AGREED:** The parties below acknowledge that this Agreement is subject to the approval of the Portsmouth City Council without which approval this Agreement is without force and effect.

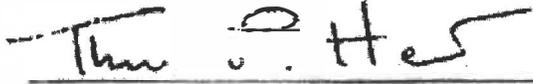
Approved by The Police Commission:

  
\_\_\_\_\_

1/19/2021  
Date

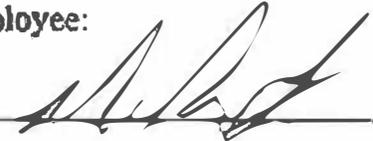
  
\_\_\_\_\_

1-19-21  
Date

  
\_\_\_\_\_

1/19/21  
Date

Employee:

  
\_\_\_\_\_

1/20/21  
Date

Approved by The City Council:

\_\_\_\_\_

\_\_\_\_\_  
Date

Certified by The City Clerk:

\_\_\_\_\_

\_\_\_\_\_  
Date

603.427.0725  
mcnabbgroup.com



3 Pleasant Street | Suite 400  
Portsmouth, NH 03801

Construction | Development | Management

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January 19, 2021

City of Portsmouth  
c/o Juliet Walker, City of Portsmouth Planning Department  
Attention: Honorable Mayor Becksted  
City of Portsmouth City Council  
Portsmouth, NH 03801

**Re: License Agreement 60 Penhallow Street**

Dear Honorable Mayor Becksted & City Council Members:

We hereby request an extension of the license agreement previously executed July 20, 2020 to utilize three parking spaces located on Daniel Street which abut the Subject Property, as well as use of 1,740 square feet of sidewalk that abuts the Subject Property along Daniel and Penhallow Street, previously referred to as License Area 1 in the former agreement. This extension request is for a period of six months, ending July 31, 2021.

As also referenced in the previous License, we hereby request the use of four parking spaces located on Penhallow Street which abut the Subject Property also known as License Area 2. This request is intended to be for a period of one additional month, ending February 28, 2021.

It is the applicant's opinion that license fees previously paid and not utilized for a period of August 1, 2020 – December 3, 2020 would be credited against this license.

Respectfully,

A handwritten signature in blue ink, appearing to read "Lynn Kramer", is written over a light blue horizontal line.

Lynn Kramer  
Vice President Construction

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**LICENSE AGREEMENT**  
**DAGNY TAGGART, LLC**

The City of Portsmouth (hereinafter "City"), a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to Dagny Taggart, LLC (hereinafter "Licensee" or "Owner") with a principal place of business at 30 Penhallow Street, Portsmouth, NH, pursuant to the following terms and conditions:

1. **Areas of License and Use:** The Owner owns the land, with buildings and other improvements thereon, in the City of Portsmouth, Rockingham County, State of New Hampshire, located at 60 Penhallow Street, shown on the City of Portsmouth's Assessor's Map as Tax Map 0107-0027-000 ("Subject Property"). For the Owner's title to the Subject Property, see Rockingham County Registry of Deeds at Book 5990 Page 1703.

License Area 1: The City authorizes the Licensee to temporarily use three (3) parking spaces located on Daniel Street and 1,740 square feet of sidewalk that abuts the Subject Property along Daniel and Penhallow Streets.

License Area 2: The City authorizes the Licensee to temporarily use four (4) parking spaces located on Penhallow Street which abut the Subject Property.

These areas together comprise the License Area and are more particularly described in the attached Exhibit A.

2. **Use:** Licensee shall make use of the License Area for the purpose of facilitating the Licensee's construction of a four story building.
3. **Term:** The License Term for License Area 1 shall be for 181 days beginning February 1, 2021 and ending July 31, 2021. The License Term for License Area 2 shall be for 28 days beginning February 1, 2021 and ending February 28, 2021.

Licensee may terminate this License prior to the end of the term by returning License Area to safe and effective use by the public prior to the expiration of the term of this License. The Licensee shall contact the Director of Public Works for a determination that the License Area has been temporarily returned to safe and effective use. Failure to remove all vehicles, barriers, materials and equipment and to return the License Area to the City in the manner prescribed under this License at the end of the term may result in enforcement action by the City.

4. **Notice:** Licensee shall provide notice to the City's Director of Public Works when Licensee assumes control and use of the License Area and again when it returns the License Area to the City's control and use.

5. **License Fees:** The Owner shall pay to the City license fees in accordance with City Council Policy No. 2018-02 entitled "License Fee for Encumbrance of City Property". The License Fee Policy provides that the Owner will be charged a daily fee for each metered parking space and square foot of sidewalk encumbered by this License as determined by the fee schedule of \$50 per parking space per day and a daily fee of \$0.05 per square foot of encumbered sidewalk.

The License Area includes 1,740 square feet of sidewalks that abut the Subject Property along Daniel and Penhallow Street. The fee of \$0.05 per 1,740 square feet per day is \$87. The total fee of \$87 for 181 days is \$15,747.

The License Fee for the three (3) parking spaces along Daniel Street is \$50 a day per space for a total daily fee of \$150. The total fee for 181 days is \$27,150.

The License Fee for the four (4) parking spaces along Penhallow Street is \$50 a day per space for a total daily fee of \$200. The total fee for 28 days is \$5,600.

The total License Fee for the parking spaces and sidewalk is **\$48,497**.

The total License Fee shall be paid in full to the City in advance of the commencement of the term of this Agreement.

Because it is in the City's interest that the Licensed Areas be returned to the public use as soon as possible, if the License Area is returned to the City prior to the end of the License Term, the City will refund the Owner the portion of the License Fee paid but not used by the Owner.

6. **Indemnification:** Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury or personal injury which arises as a result of its utilization of the Licensed Areas. This obligation survives termination or revocation of this Agreement.
7. **Insurance:** At all times the Licensee shall maintain insurance for bodily injury and property damage in the amount of at least \$1,000,000 per occurrence. Licensee will provide proof of insurance to the City during the term of this Agreement.
8. **Maintenance of Area:** During the term of this Agreement, Licensee shall maintain the License Area in a safe, neat and orderly fashion and shall take such actions as are necessary to protect the public safety. The Licensee shall secure the perimeter of the License Area and take such other measures as may be necessary for pedestrian and vehicular safety during use of the Licensed Areas.
9. **Damage:** Licensee agrees to remedy any damage to the License Area caused by the Licensee's activities. The work will be performed by Licensee to City specifications and survive the terms of this License Agreement. The City may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.

- 10. **Compliance with Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state or federal laws or regulations or conditions imposed by any local board. Failure to abide by any local, state or federal laws or regulations or any condition of site plan and may at the City's discretion, result in revocation.
- 11. **Revocation:** The City may terminate this Agreement or any provision contained in this agreement on 72 hours written notice if Licensee fails to meet the terms and conditions of this License or if the public interest requires such termination. No 72 hour written notification is required by the City if it is an emergency.
- 12. **Contractor and Subcontractor Parking:** Licensee understands and agrees that its contractors and subcontractors for the project shall not use on-street parking. Language will be inserted in Licensee's vendors and suppliers Purchase Orders and Trade Subcontracts that make the prohibition against parking on City streets mandatory. Contractor shall limit/ manage construction vehicles and deliveries to avoid disruption to businesses, particularly during the holiday season. Contractor may use loading zones for active loading and unloading of materials, equipment and tools.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021

**City of Portsmouth**

By: \_\_\_\_\_  
Karen Conard  
City Manager

Pursuant to vote of the City Council  
of \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**Dagny Taggart, LLC**

By: \_\_\_\_\_



### Portsmouth Parking Fine Schedule

Description	Last Updated	Current		Recommended		Peer Town Averages	
		Fine	After 30 days	Fine	After 30 days	Fine	Late
<b>Session Expired 15 &amp; 30 Minute; (formerly) 1 - 4 hr</b>	<b>1/1/2013</b>	\$ 15.00	\$ 30.00	\$ 50.00	\$ 75.00	\$ 20.00	\$ 38.78
72 hr parking	1/1/2013	\$ 50.00	\$ 100.00	\$ 50.00	\$ 100.00	\$ 26.43	\$ 53.67
Parked within 15 ft of Fire Station	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 40.83	\$ 52.50
Parked on Sidewalk	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 37.00	\$ 72.86
Obstructing Traffic During Construction	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 28.75	\$ 46.67
Double Parking	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 26.11	\$ 52.67
Parked in Wrong Direction	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 25.00	\$ 61.67
Back to Curb	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 22.14	\$ 47.50
Distance from Curb	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 22.00	\$ 51.67
<b>Parked in No Parking Area</b>	<b>1/1/2013</b>	<b>\$ 20.00</b>	<b>\$ 40.00</b>	<b>\$ 50.00</b>	<b>\$ 75.00</b>	<b>\$ 30.83</b>	<b>\$ 63.13</b>
Parked Too Close to Intersection	1/1/2013	\$ 20.00	\$ 40.00	\$ 20.00	\$ 40.00	\$ 32.22	\$ 69.17
<b>Emergency Snow Ban</b>	<b>1/1/2013</b>	<b>\$ 25.00</b>	<b>\$ 35.00</b>	<b>\$ 50.00</b>	<b>\$ 100.00</b>	<b>\$ 63.33</b>	<b>\$ 123.33</b>
Parking Within an Intersection	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 35.00	\$ 70.00
Parking in Crosswalk	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 38.33	\$ 80.00
Blocking Fire Hydrant	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 51.92	\$ 101.25
Parked Blocking Driveway	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 32.92	\$ 70.00
Obstructing Street	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 31.88	\$ 61.67
Parked in Fire Lane	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 48.64	\$ 93.75
10 or More Parking Violations in 1 yr	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 66.67	\$ 100.00
Parked in ADA	1/1/2013	\$ 250.00	\$ 300.00	\$ 250.00	\$ 300.00	\$ 238.46	\$ 365.63
Resident Parking Only	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 32.50	\$ 57.29
Protest Fee (NSF)	1/1/2013	\$ 30.00	\$ -	\$ 30.00	\$ -	\$ 30.00	\$ -
HC/Time Zone	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 20.00	\$ 50.00
Vet/Time Zone	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 27.50	\$ 55.00
Multiple Spaces	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 31.43	\$ 60.00
Boot Removal Fee	1/1/2013	\$ 150.00	\$ -	\$ 150.00	\$ -	\$ 85.71	\$ -
<b>Commercial Loading Zone</b>	<b>1/1/2013</b>	<b>\$ 25.00</b>	<b>\$ 50.00</b>	<b>\$ 50.00</b>	<b>\$ 100.00</b>	<b>\$ 42.00</b>	<b>\$ 96.67</b>

Revised 3.4.2020



Civil Engineers  
Structural Engineers  
Traffic Engineers  
Land Surveyors  
Landscape Architects  
Scientists



RECEIVED

OCT 13 2020

CITY MANAGER  
PORTSMOUTH, NH

October 7, 2020

Karen S. Conrad  
City Manager  
1 Junkins Avenue  
Portsmouth, NH 03801

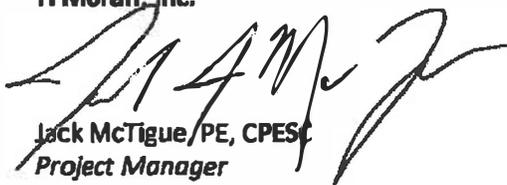
Re: Road Name for the Village at Banfield Woods - 0 Banfield Road - Tax Map 256, Lot 2  
TFMoran Project: 47361.00

Dear Karen:

We are working on a The Village at Banfield Woods project that was approved during the regular September 17, 2020 Planning Board Meeting. It is an Open Space Planned Unit Development with one private road. (Attached is the Condominium Site Plan of the Project.) The developer would like to name the road "Walford Lane" as the property was once part of the Walford Plantation. We would like to get the City Council's approval of the name. If possible, we asked that you bring it up at the October 19<sup>th</sup> meeting.

Thank you for taking time to review this and bring it before the City Council. If there are any problems or questions in regard to the roadway name, please feel free to contact us.

Sincerely,  
TFMoran, Inc.



Jack McTigue/PE, CPESC  
Project Manager

Project Manager/Typist

cc: Juliet Walker, Green and Company, LLC.





**MEMORANDUM OF UNDERSTANDING**  
**FOR PROFESSIONAL SERVICES**  
**BETWEEN THE COALITION COMMUNITIES 2.0**

This Memorandum of Understanding ("MOU" or "Agreement") is entered into by the City of Portsmouth and the Towns/Cities of ----- (hereinafter referred collectively as "Coalition Communities 2.0") and each understands and agrees to the commitments, terms, and conditions contained in this Agreement.

**WHEREAS**, For approximately ten years prior to 2006, the state funded education through a formula that created what was commonly known of as "donor" and "receiver" towns. Under this formula, a community was characterized as a donor community if it raised more in Statewide Education Property Tax ("SWEPT") than the state's calculation of that community's total cost of an adequate education for its students. This "excess" SWEPT was then distributed by the state to the community's whose total cost of education exceeded the amount raised in SWEPT (known as "receiver" communities).

**WHEREAS**, The former donor towns worked together to challenge the donor/receiver education funding formula through the formation of a group known as the "Coalition Communities". In part, due to the advocacy and lobbying efforts of the Coalition Communities, the legislature abolished the donor/receiver education funding formula and from 2006 through the present, communities now retain the "excess" SWEPT they raise.

**WHEREAS**, A Commission to Study School Funding ("Commission") was created by the NH Legislature in 2019 to "review the education funding formula and make recommendations to ensure a uniform and equitable design for financing the cost of an adequate education for all public-school students." RSA 193-E:2-e;

**WHEREAS**, The Commission's Report, issued on December 1, 2020, recommends, in part, the return of a donor/receiver education funding model by recommending that communities that generate excess SWEPT remit the "excess" SWEPT to the state for redistribution to towns whose cost of an adequate education is more than the SWEPT the town generates;

**WHEREAS**, The Commission's Report was comprehensive in its analysis of students' needs and in identifying the deficiencies in how the state fulfills its constitutional obligations to provide students with an adequate education but seriously deficient in its misplaced reliance on the broken and overburdened system of funding education through the property tax.

**WHEREAS**, Legislation will be introduced in 2021 that adopts in similar fashion the Commission's recommendation of a donor/receiver education funding formula, which will have a substantially negative effect on the taxpayers from newly created donor communities ("Coalition Communities 2.0");

**WHEREAS**, All Coalition Communities 2.0 are members of the New Hampshire Municipal Association ("NHMA"). NHMA provides advocacy and lobbying services to its members but it may not lobby on behalf of specific legislation supported or opposed by a municipality unless it is of interest to its members generally and supported by clear member-

adopted policy positions as legislative principles. NHMA’s current legislative policy on education does not specifically oppose a donor/receiver education funding model. NHMA does not take a position on issues that pit one set of communities against another set of communities. Without majority membership support, NHMA’s ability to lobby on behalf of the Coalition Communities 2.0 is severely limited and leaves its Coalition Community 2.0 members at a disadvantage in their ability to effectively advocate in opposition to legislation that would recreate a donor/receiver education funding formula;

**WHEREAS**, RSA 31:9 provides that “[t]owns may at any legal meeting authorize the employment by the selectmen of counsel in legislative matters in which the town is directly or indirectly interested, or may ratify the previous employment by the selectmen of such counsel and may grant and vote money therefor.”;

**WHEREAS**, Education funding is a complex issue and it would be unduly burdensome and costly for each town to separately track, advocate and lobby in opposition to education funding legislation that supports a donor/receiver model, particularly during COVID-19;

**WHEREAS**, The Coalition Communities 2.0 seek to share the cost of professional services, including but not limited to lobbying, communication, legal, and other professional services if required to advocate and educate others regarding its opposition to public policies related to the use of the property tax to fund education

THEREFORE, the Coalition Communities 2.0 enter into this Agreement for the purposes set forth above, as follows:

**I. DEFINITIONS**

A. “Advocate” shall mean the individual hired to provide professional lobbying services, as further described in the Request for Proposal attached as Exhibit A.

B. “Agreement” shall mean this document, this Memorandum of Understanding for Professional Services Between the Coalition Communities 2.0.

C. “Biennium” shall mean the current two-year term of the legislature beginning January, 2021 and ending December, 2022.

D. “Coalition Communities” shall mean donor towns under prior education funding formulas.

E. “Coalition Communities 2.0” shall mean any potential donor towns under an education funding formula that adopts the Commission’s recommendation or any portion thereof that returns to a donor/receiver education funding formula. See also Member.

F. “Commission” shall mean the Commission to Study School Funding created by RSA 193-E:2-e.

G. “Donor communities” shall mean a community that when SWEPT is assessed

on the municipality's total equalized assessed property value, SWEPT raises more funds than the state's calculated cost of an adequate education assessed for all students. This excess SWEPT is remitted to and distributed by the state to receiver communities.

G. "Excess SWEPT" shall mean when the SWEPT is applied to the equalized property value of a town, it raises more in SWEPT than the state's calculated cost of an adequate education for all students in its community.

H. "Joint Board" shall mean the Joint Board for the Coalition Communities 2.0's Joint Board, which will be the oversight board for the Coalition Communities 2.0. This Joint Board shall not be confused with the Board of Selectmen for the individual towns that are members of the Coalition Communities 2.0.

I. "Lobbying Services" are the professional lobbying services, as further described in the Request for Proposal attached as Exhibit A.

J. "Member" shall mean a town or city that is a potential new donor town and party to this Agreement. A Member has contributed its full Assessment and is a full voting member. The Joint Board may create Associate Membership or other types of memberships for those towns who have made a contribution but not in the full amount of the suggested Assessment.

K. "Receiver Communities" shall mean a community that when SWEPT is assessed on the municipality's total equalized assessed property value, SWEPT raises less than the state's calculated cost of an adequate education for all its students. The state distributes excess SWEPT raised by donor communities to receiver communities to meet its obligation to fund an adequate education.

L. "Report" shall mean the report of the Commission entitled *Our Schools, Our Kids; Achieving Greater Equity for New Hampshire Students and Taxpayers, A Report From The Commission to Study School Funding, Submitted to the New Hampshire General Court, December 1, 2020 Relative to RSA 193-E:2-e.*

M. "SWEPT" shall mean the Statewide Education Property Tax or any other form of property tax assessed by the State of New Hampshire.

## II. PURPOSE OF THIS AGREEMENT

The purpose of this Agreement is to allow the Coalition Communities 2.0 to jointly hire an advocate for professional lobbying, communication and legal services or other professional services and to share the costs associated with these services as more fully set forth in the Scope of Services attached as Exhibit A or other future contracts or Requests.

## III. DURATION OF AGREEMENT

The term of this Agreement runs concurrent with the current biennium of the legislature from January , 2021 through December 31, 2022. This Agreement may be renewed for an additional two-year term by vote of the majority of the Members after receipt of authorization

from its board of selectmen or city council at its annual meeting held in July.

#### IV. MEMBERSHIP

The undersigned hereby organize and constitute themselves as Members of the Coalition Communities 2.0. The Members are listed in Exhibit B, which is attached and incorporated hereto. Each Member is authorized to participate by vote of its Board of Selectmen or City Council and copies of these votes are attached and incorporated as Exhibit C. Each signatory is an authorized representative of its town or city.

Members shall be limited to fifty (50). There will be an organizational meeting of the Members within 15 days of the execution of this Agreement. At the organizational meeting the Members will elect the Joint Board members as more fully described in Section V. Each Member is afforded one vote in all matters upon which require action. A majority vote of those Members present and voting shall be needed to act upon any business associated with this Agreement. One third of the total Membership shall constitute a quorum.

#### V. JOINT BOARD

##### 1. Purpose of Joint Board

A. The Joint Board has the authority to enter into contracts on behalf of the Members, including but not limited to professional services contracts for lobbying, communication, legal and other professional services approved by majority vote of the Members, to hire, supervise, advise and direct the activities of the professionals hired under the terms any contract, to negotiate with respect to all matters relating to this Agreement, to request, collect, hold, accept, invest, disperse and expend funds, to approve bills and circulate documents necessary in order to keep Members informed of activities pursuant to this Agreement and conduct such other activities as the Joint Board deems necessary and proper to carry out the purposes of this Agreement.

B. The Joint Board shall have the sole authority to approve an annual operating budget, which it shall transmit to the Members.

C. Officers: Beginning with its first meeting and then annually thereafter, the Joint Board shall elect a Chair, Vice Chair and a Clerk from the members of the Joint Board. The Chair shall serve as the official spokesperson for the Members.

##### 2. Membership of Joint Board

A minimum of five regular members of the Joint Board shall be comprised of three town/city managers and two elected officials from its Members. All Joint Board members shall be nominated at the Members' organizational meeting and serve through the expiration of the term of this Agreement. If this Agreement is renewed by the Members for an additional term,

the Members will elect Joint Board members at its first meeting during the first 30 days of the second term. There are no term limits for Joint Board members. Joint Board members may be supported by appropriate staff from its community.

Joint Board members and its officers shall not be personally liable for any debt, liability or obligation of the Coalition Communities 2.0. All persons having any claim against the Coalition Communities 2.0 may look only to its funds for payment of any such contract or claim, or for the payment of any debt, damages, judgment or decrees, or of any money that may otherwise become due and payable to them from the Coalition Communities 2.0.

3. Meetings:

- A. Annual meetings. The Joint Board shall schedule one annual meeting of the Members during the term of this Agreement after the close of the legislative session in July.
- B. Regular meetings. The Joint Board shall meet regularly at quarterly meetings or more frequently at the call of the Chair at such times and places that are mutually convenient to discuss issues of mutual concern to the Members. The Joint Board shall meet once a month with the Members while the legislature is in session. These meetings shall be held on the first Monday of every month at 11:00am. Additional meetings with Members may be scheduled either by the call of the Chair or by written request of five or more Members. The Clerk shall post proper notice of all meetings and shall record minutes pursuant to RSA 91-A:2. Attendance for purposes of quorum and voting may be by telephone or video, subject to the provision of RSA 91-A.

4. Voting and Alternates.

- A. Number of Joint Board members. The membership of the Joint Board is comprised of five regular members and two alternate members.
- B. Quorum. Three of the five Joint Board members in attendance at a meeting are necessary to form a quorum.
- C. Majority vote. All votes will pass by simple majority.
- D. Role of Alternates.

Alternate member(s) shall sit with all other Joint Board members during the meetings and may participate but may only vote if regular member can't participate on said item. If an alternate has already been appointed to sit in for a regular member, then the second alternate shall be appointed by the Chair.

If a Joint Board member has unexcused absences for 2 consecutive or 3 total meetings during the term of this Agreement, they will be deemed to have vacated their position and the Joint Board will be free to appoint an alternate as a regular member to the vacant position upon majority vote of the Joint Board. If a Joint Board member resigns or is unable

to continue to serve, the Joint Board will appoint an alternate as a regular member by majority vote of the Joint Board.

If alternates become regular members of the Joint Board, new alternates will be appointed by the Joint Board from all applicants that have been nominated by five or more Members.

**VI. FINANCIAL AGREEMENT**

**A. Apportionment of Cost:** The Coalition Communities 2.0 agree that they will apportion costs as follows:

Apportionments shall be assessed annually to each Member by the 30<sup>th</sup> of January (or no later than 30 days after the execution of this Agreement by all parties) of each year of the Agreement. The Apportionment may be based on each Member's percentage of the group's total equalized property value as determined by the most recent and available data from the NH Department of Revenue Administration. Once adopted, this Apportionment formula may not be amended without a majority vote of the Members. This Apportionment will take into account the contributions transferred by Members from the Claremont Coalition Account.

**B. Special Associate Member.** Special Associate Member Assessment shall be assessed by the Joint Board to Associate Members who are not parties to this Agreement and may not vote but have requested information and/or support the Coalition Communities efforts.

**C. Fiscal Agent.** The Members agree that the City of Portsmouth ("City") will be the fiscal agent for the funds described in paragraph A above. The funds will be collected by the Joint Board and held by the City for purposes set forth in this Agreement and the Request for Proposals set forth in Exhibit A. However, the Members have delegated all decisions relative to the acceptance and expenditure of funds to the authority to the Joint Board, as described more fully in section IV above

**D. Accounting for Funds.** The Joint Board with assistance from the Fiscal Agent shall provide to the Members from time to time, but at least quarterly, a formal accounting of monies received, spent, and obligated, and a final accounting upon the termination of the Agreement.

**E. No funds will inure to the benefit of any member of the Joint Board, private individuals, or employee of municipalities subject to this Agreement except that reasonable compensation may be paid for services rendered to the Members, including but not limited to contracted services and administrative support.**

**F. Funds upon Termination.** Upon termination of this Agreement, no individual employee or member of the Joint Board shall be entitled to a share in the distribution of any funds upon dissolution. Upon termination, the funds shall be distributed to each Member at the time of distribution in proportion to the percentage of its contribution relative to the total contribution of the all Members made in the year of distribution.

**VII. Termination**

A. **Mutual Agreement.** This Agreement may be terminated at the end of the two-year term upon mutual agreement of the Members' Boards of Selectmen and City Council. The Boards of Selectmen and City Council shall make the decision to terminate in July of the second year of the term of this Agreement.

B. **Terminate Without Penalty.**

If this Agreement is renewed for a second term, a Member wishing to withdraw from the Agreement shall give notice three months before the expiration of the initial two-year term and shall be responsible for its share of the Apportionment until the expiration of the term. Notice shall be in writing from the Board of Selectmen of the withdrawing Member to the Joint Board. The Joint Board will notify the other Members of any Member's withdrawal through their authorized agents who have executed this Agreement. This Agreement shall terminate upon completion of its two-year term if not renewed.

C. **Termination With Penalty**

A Member wishing to withdraw from the Agreement before the end of the two-year term shall be responsible for its share of the Apportionment until the completion of the term. Notice shall be in writing from the Board of Selectmen of the withdrawing Member to the Joint Board. The Joint Board will notify the other Members of any Member's withdrawal through their authorized agents who have executed this Agreement.

**VIII. Other**

A. **Amendment:** This Agreement may be amended only by written Agreement signed by the majority of Members.

B. **City Council and Board of Selectman Approval:** All Members undersigned have received approval of this Agreement by its City Council or Board of Selectman and have been authorized to participate by votes taken on dates attached and incorporated as Exhibit C.

C. **Notices:** Notices for each party shall be in writing and mailed to the individuals listed in Exhibit B which is attached and incorporated hereto.

D. **Severability:** If any provision of this Agreement is deemed invalid or unenforceable, the remaining provisions shall remain in full force and effect.

E. **Governing Law:** This Agreement shall be governed by and interpreted in accordance with the provisions of the laws of the State of New Hampshire.

F. Separate Document: This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

t/2021legislative//donortown/MOUandIM/mou2021

## SCOPE OF WORK

**OBJECTIVE:** The Coalition Communities 2.0 seek to enter into an independent contractor relationship with an individual or organization to provide three (3) tiers of services to include lobbying, legal, and/or communication services for the legislative years 2021-2022.

**BACKGROUND:** For approximately ten years prior to 2006, the state funded education through a formula that created what was commonly known of as “donor” and “receiver” towns. Under this formula, a community was characterized as a donor community if it raised more in Statewide Education Property Tax (“SWEPT”) than the state’s calculation of that community’s total cost of an adequate education for its students. This “excess” SWEPT was then distributed by the state to communities whose cost of an adequate education exceeded the amount raised in SWEPT (known as “receiver” communities). Portsmouth, along with other donor towns, worked together to challenge the donor/receiver education funding formula through the formation of a group known as the “Coalition Communities”

A Commission to Study School Funding (“Commission”) was created by the Legislature in 2019. On December 1, 2020, the Commission issued its final report which recommends, in part, the return of a donor/receiver education funding model by recommending that communities that generate excess state education property tax to remit the “excess” to the state for redistribution to towns whose cost of an adequate education is more than the state education property tax the town generates. While the Commission did a thorough job in assessing students’ educational needs throughout the state, it failed to adequately address how those needs should be funded by improperly relying on the historically overburdened property tax to fund education. (see [https://carsey.unh.edu/school-funding?utm\\_source=email&utm\\_medium=lmm&utm\\_campaign=carsey-research](https://carsey.unh.edu/school-funding?utm_source=email&utm_medium=lmm&utm_campaign=carsey-research) for further details)

Education funding is a complex issue and it would be unduly burdensome and costly for each potential donor town to separately track, advocate, and lobby in opposition to education funding legislation that supports a donor/receiver model, particularly during COVID-19. A new group of donor towns, called the Coalition Communities 2.0 is in the process of forming to pool resources for professional services as more fully set forth below. (See Exhibit I—a draft of the organizing Memorandum of Understanding)

**BASIC SERVICES:** Responsibilities of the Lobbyist/Advocate: The Lobbyist shall work with the Joint Board of the Coalition Communities 2.0 to represent their interests before the New Hampshire Legislature during the 2021-2022 session. Specifically, the Lobbyist shall advocate for, provide information about and oppose selected bills, which are introduced during the session that address education funding primarily through an increase in the state education property tax

and/or local property tax which would create an education funding formula that returns to a donor and receiver town education funding concept. The Lobbyist will exercise their responsibilities consistent with the legislative rules governing the conduct of lobbyists in New Hampshire. It is further expected that, when necessary, the Lobbyist will participate remotely or be physically present at the legislature to attend hearings, discuss bills with legislative members, and testify on pending matters. The Lobbyist will regularly communicate on activities to the Joint Board of the Coalition Communities 2.0 and work with its members to create communication plans and strategies for messaging and outreach to oppose donor/receiver education funding legislation.

***SERVICE TIERS TO BE PROVIDED***

1. Lobbying and legislative advocacy (Basic)
2. Communications Planning
3. Legal Services if required

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# M E M O R A N D U M

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**TO:** Karen Conard, City Manager

**FROM:** Juliet T. H. Walker, Planning Director *JTW*

**DATE:** January 11, 2021

**RE:** City Council Referral – Projecting Sign  
Address: 261 South Street  
Business Name: Wild Valentine, LLC  
Business Owner: Sarah DiCecca

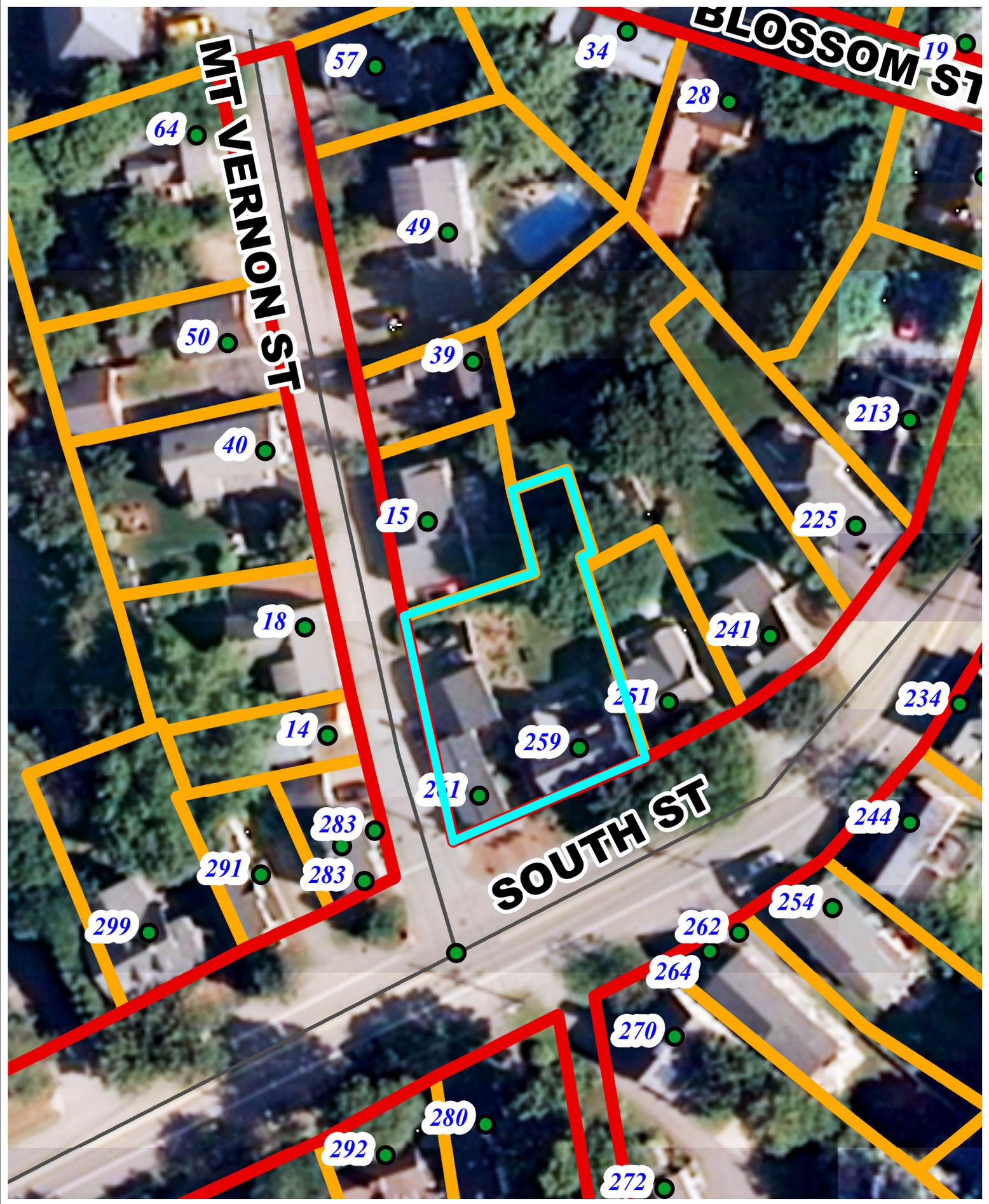
---

Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

Sign dimensions: 42" x 48"  
Sign area: 14 sq. ft.

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

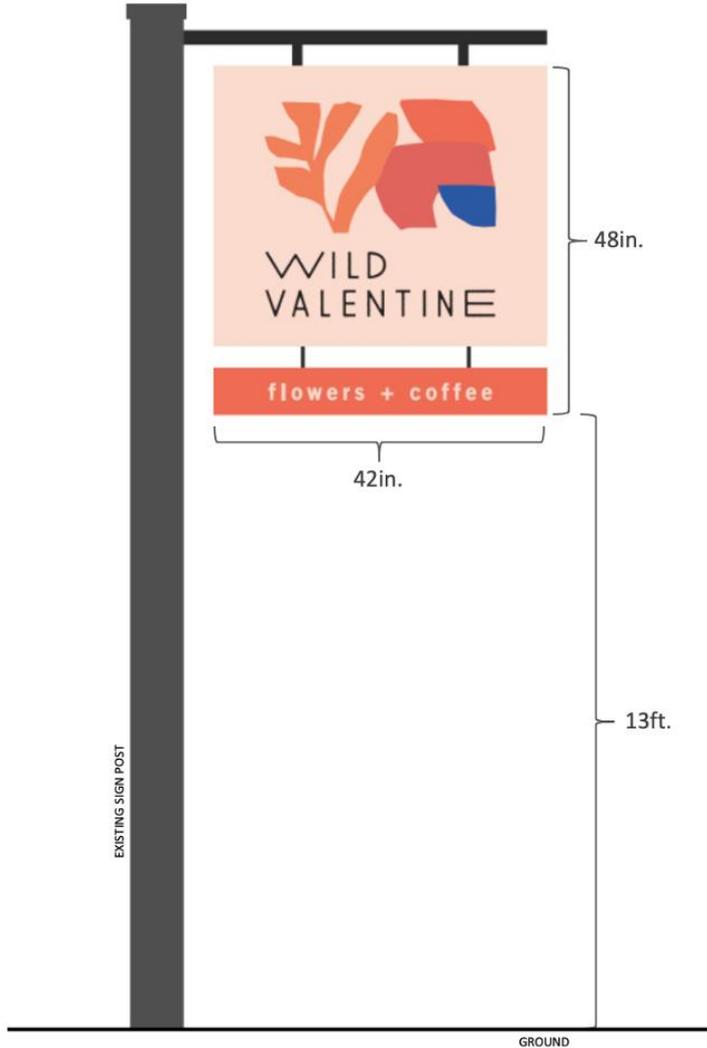
1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal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



**Request for license  
261 South Street**

## PROPOSED SIGN

To replace current sign on existing sign post with existing lighting



## EXISTING SIGN

Existing post and lighting will remain



---

# M E M O R A N D U M

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**TO:** Karen Conard, City Manager

**FROM:** Juliet T. H. Walker, Planning Director *JTW*

**DATE:** January 11, 2021

**RE:** City Council Referral – Projecting Sign  
Address: 2 Bow Street  
Business Name: Free State Bitcoin Shoppe  
Business Owner: Derrick Horton

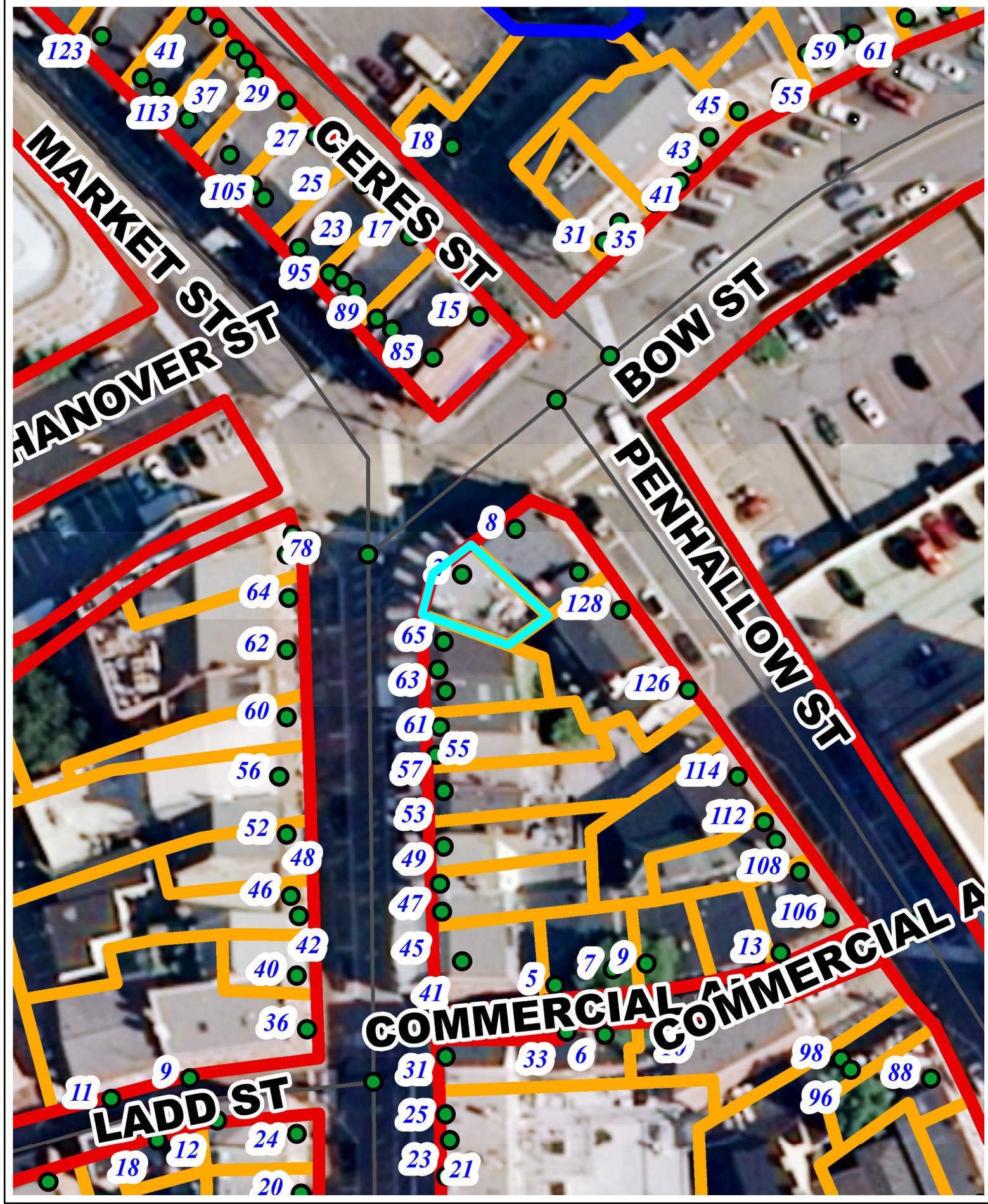
---

Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

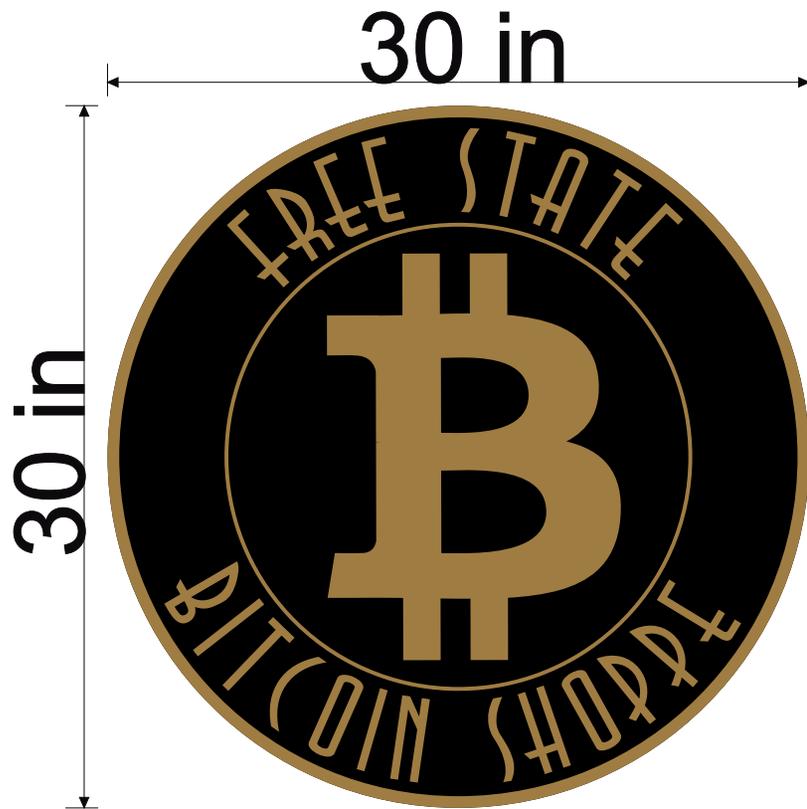
Sign dimensions: 30" x 30"  
Sign area: 6.25 sq. ft.

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

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



**Request for license  
2 Bow Street**



 PortsmouthSign.com 603-436-0047	<b>REVISION:</b> All orders under \$250 include 1 revision only. All orders over \$250 include 3 revisions only. Additional revisions will be charged at \$25 per revision.  <b>PLEASE NOTE:</b> Designs are NOT actual size and color may vary depending on printer and/or monitor.	<b>01/11/2021</b> I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl & paint colors will be used. Custom colors and specific matches to PMS colors will be an additional fee. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval.  SIGNATURE: _____ Date: _____	<b>RETURN SIGNED TO: <a href="mailto:carrie@portsmouthsign.com">carrie@portsmouthsign.com</a></b>
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Shop Use Only	Qty: SS <input type="checkbox"/> DS <input type="checkbox"/>	Materials:	Background Color:	Vinyl Color: HP <input type="checkbox"/> Int <input type="checkbox"/>	Other:
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PORTSMOUTH LITTLE LEAGUE, INC.  
PO Box 8321  
PORTSMOUTH, NH 03802

RECEIVED

JAN 08 2021

CITY MANAGER  
PORTSMOUTH, NH

January 4, 2021

Karen Conard  
City Manager  
City of Portsmouth,  
Portsmouth, NH 03801

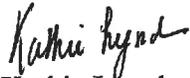
Dear Ms. Conard:

The process used by Portsmouth Little League for approval of temporary signs at the ballfield fences has required a yearly request to the City Manager. Similar to prior requests Portsmouth Little League, Inc. respectfully requests approval for temporary signage to be located at the Plains and Hislop Park baseball fields during the 2021 baseball season.

Our request is two-fold. First we are requesting permission to affix signage in the form of banners to be attached to the fences surrounding the outfield and foul lines at Plains and Hislop fields following the established color guidelines. The signage represents advertising for local businesses that have donated to and support the league. We are requesting permission to affix the banners to the fences from April 17 [Field Clean-up Day] through the end of October. Second, we are requesting permission to maintain signage to the rear of the Plains scoreboard. The local business that advertises on the back of the scoreboard will be required to adhere to the city and league's guidelines for the sign and will be responsible for the sign materials. Signage at this site provides the league with a continued revenue stream that helps us meet our goals each year.

Little League has a long and proud tradition in the City of Portsmouth. We are grateful for all the support we have received in the past and plan to continue to offer a safe and quality program that meets the needs of the community we serve. Please let me know if it would be of benefit for me to attend the Council meeting at which this request is considered. Thank you.

Sincerely,



Kathie Lynch  
President  
3 Boyan Place  
Portsmouth, NH 03801

January 13, 2021

The Honorable Rick Becksted, Mayor of Portsmouth  
and members of the Portsmouth City Council.  
1 Junkins Ave  
Portsmouth NH, 03810

Dear Mayor Becksted and the Members of the City Council,

On behalf of the Alzheimer's Association, I would like to re-submit for the Agenda, a proposed date for the 2021 Annual Seacoast Walk to End Alzheimer's. Given the current state of the pandemic, we are planning for the walk to hopefully be in person but are closely monitoring the status of COVID-19 as well as all recommendations from the CDC and will move forward as a virtual event again if necessary. Last September, we did a hybrid event and asked our participants to walk safely in their own neighborhoods and communities while wearing their purple to support the cause. We also set up a display at The Little Harbour School so people could drive thru safely and still feel like Walk was part of the community that day. That structure will be the same this year if we end up going virtual. If we are able to have the Walk in person come September, the Walk will begin and end at The Little Harbour School if allowed. This year we would like to hold the event on September 26<sup>th</sup>, 2021. I have attached our normal route options for Walkers that we typically use each year. We understand the stress that such events can have on the surrounding community and assure you that The Alzheimer's Association is cognizant of your concerns, and is committed to upholding the standards of years past.

When in-person, we offer three route options for participants. Attached, please find the three route options drawn out for your review. We are planning to use the same routes as last year, but are flexible pending any construction changes or issues that may arise. We will plan on engaging the help of the Portsmouth Police, as in 2019 we hired a police detail to be both on-site and also at any busy intersections to assist in route crossing. If in-person, the Walk will take place on the sidewalks through the city to minimize the impact on traffic. We understand what it means to be a good neighbor in the community and will be mindful of the residents of the City of Portsmouth as we raise awareness and funds for a critical cause.

If we are in-person this year, we would expect approximately 1,000 participants at this event, our premier fundraising and awareness event for the Alzheimer's Association in the Seacoast Area. Additionally, we will have approximately 60 combined volunteer and staff on site.

The Walk site opens up at 8:30am for registration, the Walk itself kicks off at 10 and we are cleaned up and off the premises by 1pm.

We look forward to working with you, please reach out with any questions.

Sincerely,  
Maria Stephanou  
NH Walk Manager - Alzheimer's Association  
[mmstephanou@alz.org](mailto:mmstephanou@alz.org)  
**508-887-5025**





Stay on walkway thru Veterans Memorial park

Water Station  
Islington/Summer

Start/End  
Little Harbour School  
50 Clough Dr.  
Portsmouth

3.2 Mile





# Gundalow COMPANY

Protecting the Piscataqua region's  
maritime heritage and environment  
through education and action

RECEIVED

JAN 19 2021

CITY MANAGER  
PORTSMOUTH, NH

## Board of Directors

14 January 2021

Janet Dinan  
Peter Driscoll  
Jill Farrell  
Brendan Flavin  
Kerry Houlihan  
Barbara Hughes  
John Lamson  
Dana Mills  
Catharine Newick  
Joan Rice  
Jeanne Rosadina  
George Samuels  
Brenda Schwechheimer  
Ron Trahan

Karen Conard  
City Manager  
1 Junkins Avenue  
Portsmouth, NH 03801

Dear Karen,

The Gundalow Company would like to run the eleventh annual Round Island Regatta on Saturday August 7<sup>th</sup>, 2021. We respectfully request the use of the Peirce Island launch ramp and related parking area to facilitate this event, on a similar scale to what we did in August 2020—i.e., without the larger Piscataqua Riverfest at Strawberry Banke. The enclosed timeline outlines the timing and scope of the event.

We look forward to approval of this date and respectfully request a meeting with you and your team to discuss logistics.

## Staff

Rich Clyborne  
*Executive Director*

Donata Luz  
*Development Coordinator*

Gretchen Carlson  
*Program Manager*

Matt Glenn  
*Captain*

Andy Goodell  
*Operations Manager*

Michele Lechner  
*Accountant*

Sincerely,

Rich Clyborne  
Executive Director

[www.gundalow.org](http://www.gundalow.org)

[info@gundalow.org](mailto:info@gundalow.org)

603.433.9505

60 Marcy Street

Portsmouth, NH 03801

## **2021 Eleventh Annual Round Island Regatta Timeline**

**High Water 11:44 am**  
**Saturday August 7<sup>th</sup>**  
**Peirce Island Boat Ramp**

10:30am Event setup  
11:00am-12:45pm: Bracelet and number pickup **at the Peirce Island Boat Ramp**

**12:00pm: Sailboat Skippers Meeting, @Peirce Ramp**

**Class 1 Sail start on the water**

12:15pm: Great Little Gundalow Derby on the dock

**12:45pm: Paddle and Oar Skippers Meeting, All Paddle classes @Peirce Ramp**

First: youth paddle class start  
Second: Lady Isle rowers and paddlers start  
Third: Round Island rowers and paddlers start  
Fourth: Multi-paddler and multi-rower class start

1:30pm: Closing Remarks and Awards Ceremony  
2:00pm: Event end

Free parking and boat launch is available from Peirce Island for all registered participants wearing bracelets. Portable toilets will be at the ramp, as well as public restrooms on Four Tree Island. For Spectators, there will be commentary near the ramp.

**\*\*Note:** Total number of participants up to 100 by foot, water, car.  
15 car and trailer combos for transporting and launching at Peirce ramp  
40 cars with participants and spectators parking at Peirce  
Up to 60 single kayaks, paddleboards, and rowboats  
Up to 15 double paddlers and rowers  
Spectator viewing from both the Peirce Island and South End shorelines

CITY COUNCIL E-MAILS

January 11, 2021 (after 4:00 p.m.) – January 21, 2021 (9:00 a.m.)

January 25, 2021 Council Meeting

Below is the result of your feedback form. It was submitted by Jim Hewitt ([samjakemax@aol.com](mailto:samjakemax@aol.com)) on Wednesday, January 20, 2021 at 15:22:33

-----  
address: 726 Middle Road

comments: Dear Mayor Becksted and City Councilors:

I understand City Hall and its consultant are going to present their "findings" on a "study" it performed on the Middle Street Bike Lanes at the January 25, 2021 City Council meeting.

The questions I have and I hope you have also are: a study of what ? Have any of you seen a scope of work? A contract ? Why was this study allowed to proceed without public input ? Donald J. Trump has been more transparent with his tax returns than City Hall has been with this report.

I urge you as the Peoples' representatives to direct your subordinates in City Hall to postpone any release or presentation of this study until the People of Portsmouth have had the opportunity for input. Its the People's report after all. The People paid for it.

Regards,  
Jim Hewitt

P.S. If public input is to be banned, then I request the link below be forwarded to Toole Design, as it is better than nothing.

Public Meeting on Middle Street/Lafayette Road Bicycle Lanes 3.12.2020 - YouTube  
includeInRecords: on

-----  
Below is the result of your feedback form. It was submitted by Kelly Cioe ([kelly@whalenpr.com](mailto:kelly@whalenpr.com)) on Wednesday, January 20, 2021 at 15:41:05

-----  
address: 44 Melbourne Street

comments: Good afternoon City Councilors, I am writing to you and our School Board in consideration of the upcoming budgeting process for our Portsmouth Schools. As many of you know, our students, teachers, and school staff have taken this pandemic head-on. Forced into remote learning in the spring of 2020 and the limited in-school time for our students in the 2020-2021 school year is taking its toll on all. While Joanne Simons has shared some positive news in terms of the DRA test results for our students at New Franklin School, 84% of 4th graders are at grade level for reading (a huge testament to our teachers!), many of our students will need additional resources in the next few years, which will come with a cost. Additional resources, teachers, support staff, counselors, and tutors, will be needed. While some students are thriving in the remote or hybrid environment, some are managing, and yet others are not even showing up. It is not just academic support that will be needed, but social and emotional as well.

My immediate concern is for our upcoming school budget, with the already anticipated high cost of the Health Insurance Contribution Increase devastating any potential for additional services and support. Recent studies have shown that the cost of this catch up could be between \$12,000 to \$13,500 per student over the next five years. Please refer to the link below for the article.

Caught in a Financial 'Triple Squeeze,' Districts Could See Annual Costs of \$2,500 Per Student to Address Pandemic-Related Learning Loss | The 74 ([the74million.org](http://the74million.org))

I know the City of Portsmouth is facing challenges as well due to the pandemic and they are not to be taken lightly. Reduced revenues coming in, means reduced spending levels. But as you look at all of the departments and the City's overall budget, I am asking you to NOT let our kids take the brunt of the pandemic. We must find additional funds to support our students and our schools. It will be at the cost of other departments' needs; but the children are our future, our schools are what attracts new residents and companies to Portsmouth. I am encouraging creativity and resourcefulness to make this happen. For example, numerous businesses over the years have received tax cuts and benefits to relocate and expand here in Portsmouth. The City did this to help us grow and become a vibrant place to live and businesses want to be here for our quality of living. Perhaps we can look to these same businesses for a one-time tax payment or donation earmarked specifically for our schools?

I know this will be a difficult budgeting season. I thank you for your service to our City and I ask you to please support our schools.

Best,

Kelly Cioe

44 Melbourne Street

Mom of a 4th and 5th grader at New Franklin School

includeInRecords: on

---

---

**Subject:** FW: Middle Street bike lanes, Portsmouth

**From:** WatsonJr, Bill [mailto:WILLIAM.E.WATSONJR@dot.nh.gov]  
**Sent:** Wednesday, January 20, 2021 2:45 PM  
**To:** Juliet T.H. Walker <jthwalker@cityofportsmouth.com>; Eric B. Eby <ebeby@cityofportsmouth.com>  
**Cc:** Hudson, Robert <Robert.A.Hudson@dot.nh.gov>; Willeke, Charles <Charles.R.Willeke@dot.nh.gov>  
**Subject:** RE: Middle Street bike lanes, Portsmouth

Good Afternoon Juliet, and thank you for the correction.

Thank you for the material from Toole Design, and for the meeting on Monday 1/11/2021 to go over the results of the work completed by Toole Design.  
Our review of the recommendations from Toole Design note no significant changes being recommended in the approach that has been implement for the Middle Street Bike Lane project.  
The Department continues to stand on its prior position that the City appropriately designed improved bicycle facilities, had appropriate public input and involvement throughout the project, and implemented these improvements appropriately.  
This independent review supports our position without changes.

Any changes to the implemented improvements beyond the recommended minor improvements that Toole Design documented will require the Department to start the process to request that the City of Portsmouth PAYBACK the federal funds invested into the Safe Routes to School project #28757.

Please note the previous email incorrectly referenced a meeting on January 13.

Regards,  
Bill

---

William Watson Jr., PE Administrator  
P - 603-271-3344 F - 603-271-8093  
[Bill.Watson@dot.nh.gov](mailto:Bill.Watson@dot.nh.gov)

NH Department of Transportation  
Bureau of Planning and Community Assistance  
7 Hazen Drive  
Concord NH 03301



---

**From:** WatsonJr, Bill [mailto:WILLIAM.E.WATSONJR@dot.nh.gov]  
**Sent:** Wednesday, January 13, 2021 11:15 AM  
**To:** Eric B. Eby <ebeby@cityofportsmouth.com>; Juliet T.H. Walker <jthwalker@cityofportsmouth.com>  
**Cc:** Hudson, Robert <Robert.A.Hudson@dot.nh.gov>; Willeke, Charles <Charles.R.Willeke@dot.nh.gov>  
**Subject:** RE: Middle Street bike lanes, Portsmouth

Thank you for this material, and for the meeting on Monday 1/13/2021 to go over the results of the work completed by Toole Design.

Our review of the recommendations from Toole Design note no significant changes being recommended in the approach that has been implement for the Middle Street Bike Lane project.

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Regards,  
Bill

---

William Watson Jr., PE Administrator  
P - 603-271-3344 F - 603-271-8093  
[Bill.Watson@dot.nh.gov](mailto:Bill.Watson@dot.nh.gov)

NH Department of Transportation  
Bureau of Planning and Community Assistance  
7 Hazen Drive  
Concord NH 03301



---

**From:** Eric B. Eby <[ebeby@cityofportsmouth.com](mailto:ebeby@cityofportsmouth.com)>  
**Sent:** Thursday, December 31, 2020 9:05 AM  
**To:** WatsonJr, Bill <[WILLIAM.E.WATSONJR@dot.nh.gov](mailto:WILLIAM.E.WATSONJR@dot.nh.gov)>; Juliet T.H. Walker <[jthwalker@cityofportsmouth.com](mailto:jthwalker@cityofportsmouth.com)>  
**Cc:** Hudson, Robert <[Robert.A.Hudson@dot.nh.gov](mailto:Robert.A.Hudson@dot.nh.gov)>; Willeke, Charles <[Charles.R.Willeke@dot.nh.gov](mailto:Charles.R.Willeke@dot.nh.gov)>  
**Subject:** Re: Middle Street bike lanes, Portsmouth

**EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.**

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Attached for your review is the bike lane review memo from the City's consultant, Toole Design.

Eric Eby  
Parking and Transportation Engineer  
City of Portsmouth  
603 766 1415

## MEMORANDUM

January 5, 2021

To: Eric B. Eby, P.E., Parking and Transportation Engineer

Organization: Department of Public Works, City of Portsmouth

From: Jeremy Chrzan, P.E., PTOE, LEED AP, Multimodal Design Practice Lead

### Re: Middle Street Bike Lane Peer Review

Toole Design has completed a review of the Middle Street Bike Lane design plans and implementation to assess concerns of safety and compliance with applicable design guidelines and best practices. The review included a review of the construction plans, as well as an on-site assessment to observe street operations and measure intersection sight distances and the constructed lane widths. Toole Design also reviewed the requested modifications from City Council, to place the on-street parking against the curb and locate the bike lane between the travel lane and parking lane. This memorandum summarizes our review of the existing design and implementation, the City Council requested modifications, and our suggested revisions for the Middle Street corridor.

## Middle Street Bike Lane Review

### Existing Conditions Review

Toole Design visited the project corridor (Middle Street from Cabot Street to Lincoln Avenue) on Monday, November 10, 2020 beginning around 7:20 AM. General observations were made, the installed pavement markings and signs were compared against the proposed plans, and sight distances were measured at each intersection.

#### *General Observations*

The review team was on-site for several hours and made observations that helped to inform our review and recommendations.

- As the site assessment was conducted in the Fall, leaves often covered at least 1' to 3' of the right side of the bike lanes, making the bike lanes appear narrower. People biking were often observed riding closer to the left side of the bike lanes where leaves occupied the right side; however, even in areas without leaves people biking tended to stay closer to the left edge of the bike lanes.
- A lack of vertical elements (flexible delineator, curb, etc.) in painted buffers means that parked vehicles can physically encroach into the buffer between the on-street parking and bike lane; however, when motorists parked within the designated parking spaces, the opened vehicle doors were not observed protruding into the bike lanes. See Figure 1.
- The crown of the roadway follows the baseline of the design plans and therefore deviates from the current painted center line in some portions of the roadway. This is particularly noticeable through the curve

between Aldrich Rd and Park St/Cass St. In this section, vehicles often drove on/over the NB bike lane buffer or the double yellow centerline travelling southbound.

- Although the pavement was often in reasonable condition, it exhibited some cracking, a variety of areas of disturbance from utility patches/installations, and an exposed pavement seam between Union Street and Cabot Street within the bike lane. See Figure 1.
- In addition to the above noted pavement seam within the bike lane between Cabot Street and Union Street, a catch basin also exists in this vicinity with some crumbling pavement surrounding it and a noticeable drop in elevation from the pavement surface to the catch basin grate. See Figure 1.
- The pavement marking lane lines appeared to be traffic paint rather than thermoplastic pavement markings. The existing markings were faded throughout the corridor.
- Flexible delineators were installed in some locations but were inconsistent and did not match the design plans.
- Some southbound bicyclists were observed traveling in the travel lane and waiting to enter the bike lane until Union Street.
- Bicyclists who entered at the bike lane taper south of Cabot Street often slowed down if they saw that a person was active at the on-street parking spaces. Additionally, the bicyclists would often not directly follow the painted taper but would instead ride over the painted buffer nearest the curb to move further away from the parked vehicles.



**Figure 1: Photo of pavement seam and catch basin at start of southbound bike lane, and parked car with open door visible**

### *Sight Distance Measurements*

Two different sight distances were measured for each intersection within the project corridor. These intersection sight distances were checked in conformance with the AASHTO “A Policy on Geometric Designs of Streets and Highways” and the Portsmouth Department of Public Works “Driveway Rules and Procedures.” Stopping sight distances (SSD) on Middle Street were measured to confirm if a motorist could see and stop if a person or vehicle was about to enter the intersection. Intersection sight distances (ISD) were measured from the point of view of a motorist on a side street looking left and right along Middle Street to see if a vehicle is approaching. These measured sight distances, and the Minimum SSD and Desirable ISD based on the 30mph posted and observed speeds, are summarized in Table 1. The Minimum SSD and Desirable ISD values may be reduced when the posted speed limit is reduced to 25mph, as approved by the City, and if observed speeds are reduced.

The measurements for ISD were taken from the stop bar and 15’ back from the edge of the curblines where necessary. Although this is standard practice for measuring sight distances, in practice drivers do not assess sight distances from a single location but instead they pull up to the stop bar, assess if pedestrians are present, then advance forward to check for the presence of bicycle traffic, and then advance forward to check for approaching motorist traffic. This method allows a motorist to position themselves in the locations where they can best see approaching street users. This is particularly important for locations where on-street parking may be present so that a driver can identify the location where they can best see approaching traffic based on the specific vehicles that may or may not be parked in the on-street parking spaces, and their ability to see through a parked vehicle’s window, across their hood, or between gaps in the vehicles. Where the ISD is less than desirable, these locations

were often limited by roadway geometry, adjacent vegetation, adjacent buildings, or on-street parking. Although the provision of ISD is desirable at intersections to allow a motorist exiting the side streets to do so without Middle Street traffic slowing, the minimum requirement for any intersection is to at least provide the minimum SSD.

The measurements for SSD were taken from the face of curb at the side streets to the center of the travel lane on Middle Street. All intersections met the minimum SSD. Pedestrians were observed using the painted buffer between the bike lane and traffic lane as a de facto pedestrian refuge. This allows a pedestrian to position themselves to be more visible to an approaching motorist and effectively increases the available sight distance. Similarly, the available sight distance is improved when drivers advance forward to stop at the edge of the travel lane instead of at the curblane as discussed in the ISD summary.

Based on measured distances and observations about how the intersections operate, it appears that sight distances are generally good, but some locations would benefit from trimming adjacent roadside vegetation and some minor adjustments to on-street parking would be desirable to increase intersection visibility. These recommendations are outlined at the end of this memorandum.

**Table 1: Stopping and Intersection Sight Distances**

Location/Sight Distance	Minimum SSD	Measured SSD	Desirable ISD	Measured ISD
Middle Street at Lincoln Avenue:				
From the North	200'	305'	335'	182' **
From the South	200'	500'+	290'	500'+
Middle Street at Aldrich Road*:				
From the North	200'	500'+	290'	500'+
From the South	200'	500'+	335'	133' / 112' **
Middle Street at Park Street*:				
From the North	200'	500'+	335'	500'+
From the South	200'	254'	290'	188' / 143' **
Middle Street at Cass Street:				
From the North	200'	207'	290'	187' **
From the South	200'	380'	335'	390'
Middle Street at Wilbird Street:				
From the North	200'	500'+	335'	198' **
From the South	200'	500'+	290'	480'
Middle Street at Madison Street:				
From the North	200'	451'	290'	131' **
From the South	200'	215'	335'	68' **
Middle Street at Union Street Eastbound:				
From the North	200'	495'	290'	95' **
From the South	200'	500'+	335'	97' **
Middle Street at Union Street Westbound:				
From the North	200'	500'+	335'	170' **
From the South	200'	500'+	290'	128' **
Middle Street at Highland Street:				
From the North	200'	500'+	335'	500'+
From the South	200'	500'+	290'	500'+
Middle Street at Cabot Street:				
From the North	200'	307'	290'	125' **
From the South	200'	250'	335'	97' **

\* Due to the setback of the minor street STOP bar, two ISD measurements were collected; one from 15' from the major street edge of roadway and one from the location of the STOP bar.

\*\* Although Measured ISD is less than Desirable, in all cases the Minimum SSD is provided at each intersection. Additionally, the available ISD is significantly higher than indicated as drivers advance forward from the curblane into the bike lane to check for on-coming motorist traffic.

In addition to reviewing intersection and stopping sight distances, the team reviewed the sight distance conditions at the start of the southbound bike lane from the perspective of a person exiting an on-street parking space. This location was reviewed because it was the location of the only bicycle crash on the corridor. In this location, bicyclists are transitioning from a shared lane to a separated bike lane immediately behind the parked cars, so this could complicate a passenger's ability to see an approaching bicyclist. Our team's review found that when a passenger leans forward, they can better see the entirety of the bike lane and portions of the adjacent travel lane; however, additional recommendations to increase the sightlines at this location are included at the end of this memorandum.



**Figure 2: Passenger's view from on-street parking if leaning forward in seat, with the approaching travel lane and entirety of bike lane visible**

### *Lane Width Measurements*

The lane widths proposed on the plans do not always match those installed in the field. Some select locations have motorist travel lane widths less than 10 ft wide; 9 ft 7 in. was the narrowest lane we measured. Although this is not a concern on straight segments of roadway, narrower lanes through curved sections of roadway can be somewhat more difficult for a motorist to navigate and may be the reason why some motorists were observed encroaching over the double yellow line or into the painted buffer along the bike lane.

## Safety Data Review

### Crash Data

Toole Design reviewed the crash data provided by the City. Based on the three years of data available, it appears that 26 crashes occurred the year prior to the implementation of the bike lane, 26 crashes occurred the first year that the bike lane was installed, and 12 crashes occurred the second year after the bike lane was installed. As such, there has been an overall decrease in crashes since the bike lanes were installed. A review of the crashes themselves showed that motorists struck parked vehicles 5 times in the first year of the bike lane installation and only 1 time in the second year. This reduction in number of overall crashes and reduction in drivers crashing into parked vehicles may imply a growing familiarity with the current conditions. A crash between a bicyclist and a passenger opening their door occurred in the second year of installation and is the only reported bicyclist crash in the two years since installation. Suggestions to address this crash type are included at the end of this memorandum. Other than the crashes with parked vehicles and the bicyclist-dooring incident, it appears that all other crashes were related to driver error and not directly attributable to the presence of the bike lane, on-street parking, available sight distances, etc.

### Speed Data

Speed studies were provided by the City from 2014 through 2020. Although there were only a few locations where speed data was taken consistently from the same location, it appears that motorist travel speeds have not changed since the bike lane was installed with 50<sup>th</sup>, 85<sup>th</sup>, and 95<sup>th</sup> percentile speeds typically changing no more than +/- 1mph from year to year. The 95<sup>th</sup> percentile speeds (i.e. the fastest drivers) varied from 31 to 36mph and the average speeds varied from 26 to 31mph.

## Review of City Council Request

Toole Design was asked to review the request from City Council to modify the bike lanes by reconfiguring the roadway to place the on-street parking against the curb and the bike lanes between the curbside parking and the vehicular travel lanes.

As stated on the City's Planning Department website, the goal of this project was "to make travel along a critical section of Route 1 safer and more appealing for pedestrians and bicyclists of all ages." This provision to accommodate people of all ages and abilities is a recognition that many people are interested in bicycling for transportation, but that most people are not comfortable bicycling with motor vehicles.

In 2019, the Federal Highway Administration (FHWA) released the Bikeway Selection Guide discussing this issue of accommodating people of all ages and abilities. Using a methodology that considers a person's level of comfort when bicycling on streets, they developed the bikeway selection table shown in Figure 3.

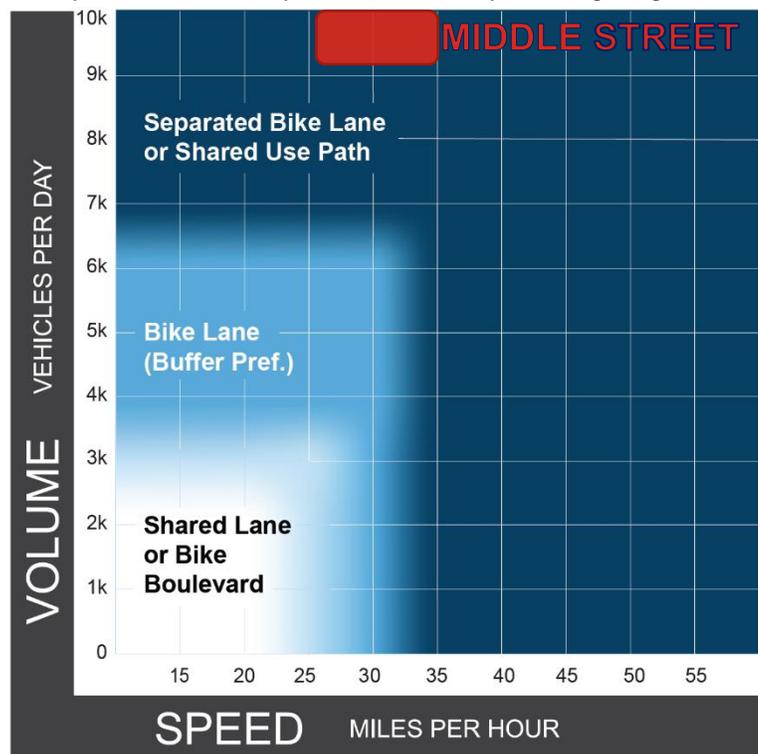


Figure 3: FHWA Preferred Bikeway Type - Middle Street identified

Figure 3 illustrates that as motor vehicle speeds and volumes increase, the need for additional separation from motorists similarly increases.

In reviewing the conditions of Middle Street through the project area, the traffic volumes are around 10,000 vehicles per day pointing to a need for separation between bicyclists and motorists to accommodate people of all ages and abilities. Similarly, with motorist speeds of the fastest drivers exceeding 30mph the provision of increased separation between people driving and biking is desirable.

In addition to the desire to make the street safer for people walking and biking, the crash data implies that at least in the most recent year for which crash data was available the current configuration has also increased motorist safety.

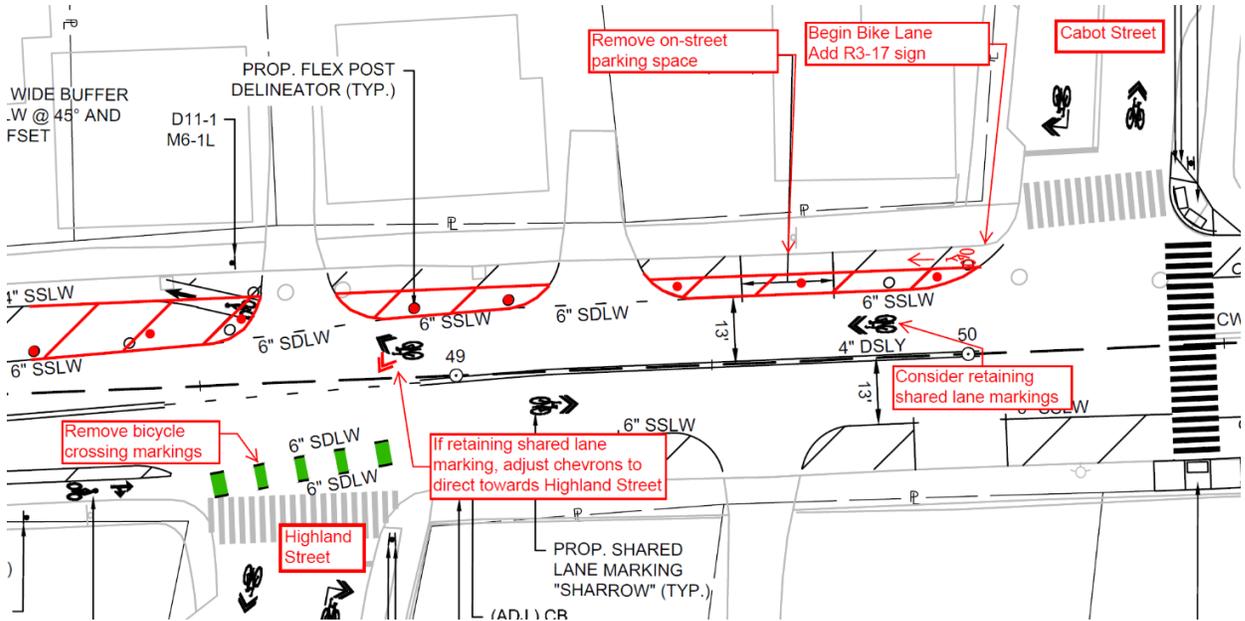
Finally, the location of the bike lane between the curblines and on-street parking generally results in better sight lines for drivers exiting driveways and side streets to see people bicycling first before advancing forward to look for motorists. If the bike lane were moved to the other side of on-street parking, it would effectively reduce the ISD because drivers exiting driveway and side streets would need to be able to view a bicyclist traveling adjacent to the on-street parking instead of only the motorist in the center of their lane like they do today. If the Council-requested conventional bike lane were implemented, we would recommend reducing the number of on-street parking spaces compared to the current conditions, and removal of the parking entirely in some areas, to provide adequate intersection and driveway sight distances to the bike lane.

## Recommendations for Middle Street

After review of the site conditions, provided engineering plans, and available data, Toole Design recommends that the current separated bike lane configuration should generally remain, but that some modifications be implemented to improve the safety and comfort for all street users.

1. **Roadway resurfacing and restriping:** The pavement condition exhibits areas of cracking, unevenness, pavement scarring from utility work, lane striping, and crack sealing, as well as catch basin grates at different elevations from the surrounding pavement. Resurfacing the roadway will provide a smooth and stable surface allowing bicyclists to use the entirety of the provided bike lane and provide clarity of the lanes for motorists. When resurfacing the roadway, the roadway crown should align with the striped roadway centerline and the catch basin grates adjusted to match the pavement surface. It is recommended that all pavement markings should be retroreflective thermoplastic to guide motorists through the street alignment. Where horizontal curves exist, consider the use of reflective raised pavement markings to better guide motorists through the street alignment.
2. **Lane width considerations:** When restriping the roadway, ensure that all 10-foot wide lanes are installed to meet this minimum width. However, where horizontal curves exist along the corridor, consider balancing the lane widths to provide equal lane widths in each direction, i.e. 10.5' wide for both lanes instead of 11' in one direction and 10' in the other direction. This may help to address the over-tracking seen in the field where motorists traversed over the bike lane buffer.
3. **Bike lane alteration near Cabot Street:** The transition for a southbound bicyclist from the shared lane to the separated bike lane near Cabot Street should be adjusted to avoid the transition occurring immediately behind the on-street parking. As depicted in Figure 4, the preferred option would be to remove the on-street parking space immediately south of Cabot Street and begin the bike lane at Cabot Street. Removal of this parking space would maximize the amount of time that a bicyclist is visible to people entering/exiting the on-street parking further to the south. This parking removal would also increase the ISD and SSD at this intersection and help to make pedestrians more visible at the crosswalk. Alternatively, the taper could occur immediately south of this on-street parking space (approximately

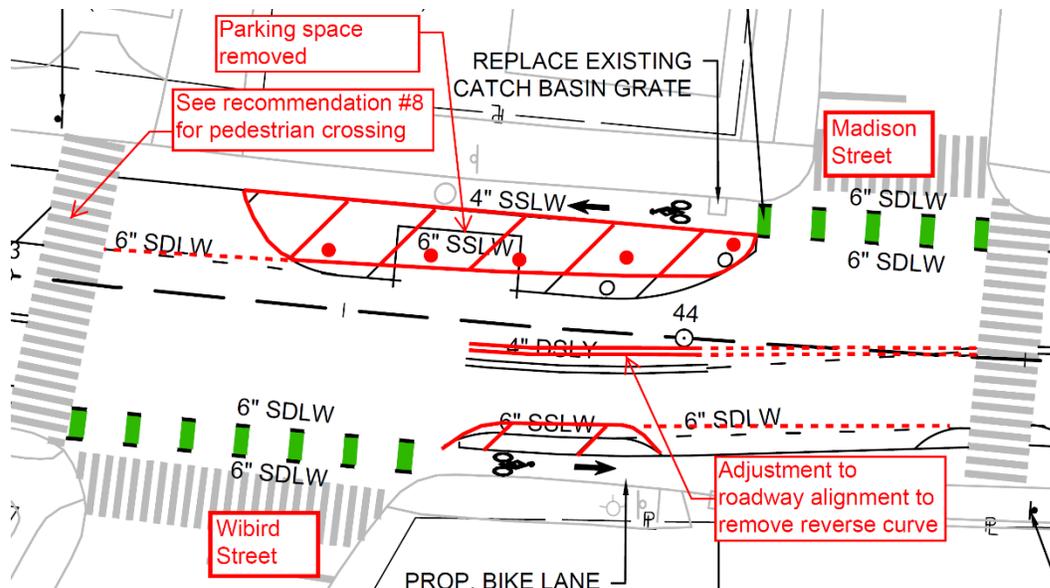
Station 49+50), but this would not increase any intersection sight distances at Cabot Street. Although the shared lane markings could be removed from southbound Middle Street in this section, we recommend retaining these markings so that bicyclists already traveling southbound who wish to turn left on Highland Street can more easily make this connection. Bicyclists connecting from Cabot Street to Highland Street



**Figure 4: Preferred bike lane alteration near Cabot Street**

can use the shared lane; however, it is more likely that bicyclists will use the separated bike lane and then use the driveway across from Highland Street to make this connection.

- Increase sight distances:** In addition to trimming vegetation at intersections, it is recommended that one (1) on-street parking space be removed south of Cabot and south of Madison Street. At both locations the parking limits sight distances for motorists and can also block sightlines between motorists and crossing pedestrians. Given that the parking space near Madison Street is also designated as a handicapped space, it is recommended that this sign be relocated to the first space on Madison Street. The removal of this parking space will also allow for an adjustment to the horizontal roadway alignment, as depicted in Figure 5, to replace the existing reverse curve with a single horizontal curve, essentially straightening the street for drivers.



**Figure 5: Parking space removal near Madison Street and Middle Street realignment**

- Delineators to address on-street parking:** The crash data indicates that drivers had struck parked vehicles, particularly at locations where parking is located along the outside of a curve, such as the parking across from Lincoln Ave. Where these conditions exist, consider adding delineators preceding the on-street parking. Although the delineators could be installed along the edge line parallel to the roadway, it may be beneficial to install delineators along a taper (see Figure 6) so that they are more visible to drivers and can guide towards the travel lane. Delineator posts may also be considered within the buffer between the bike lane and on-street parking to help motorists to avoid parking in the buffer. If provided, these delineators should be located near the front wheel of the vehicle to avoid conflicts with opening doors and to maintain access aisles in front of and behind each vehicle.

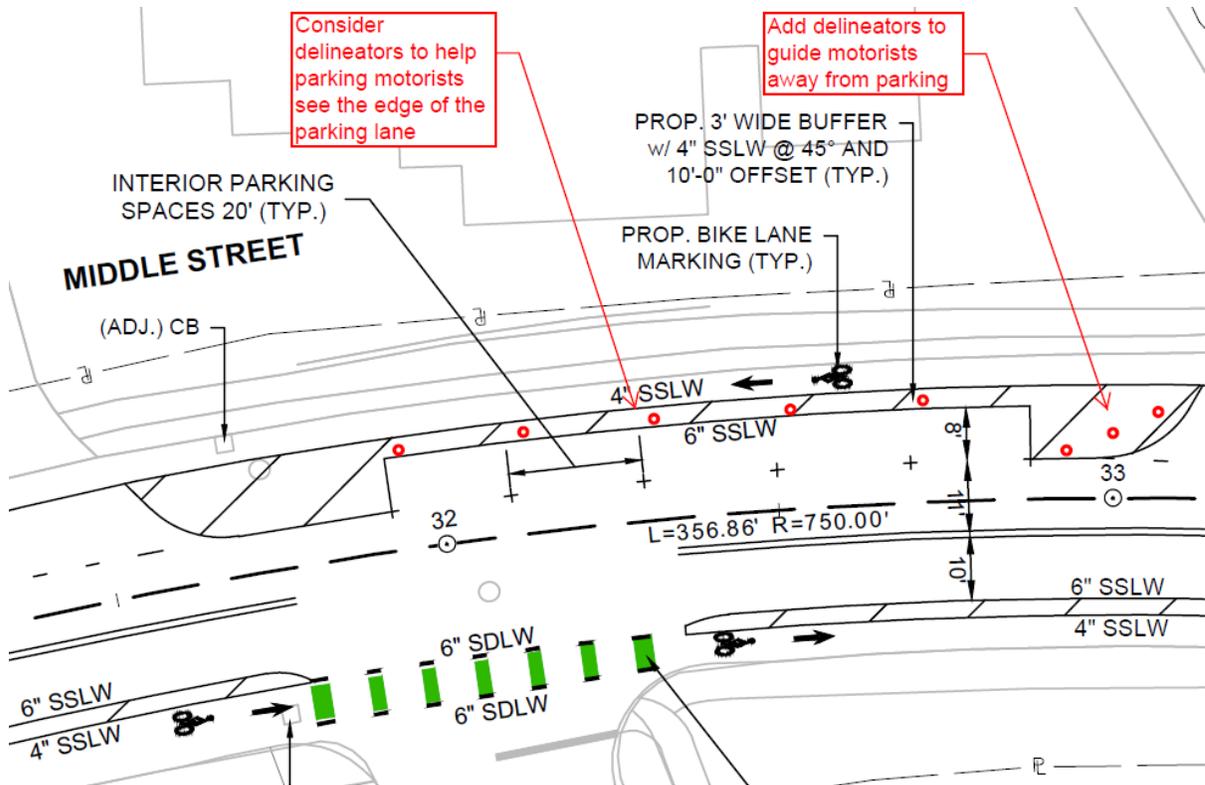


Figure 6: Delineator post recommendations approaching and along on-street parking

- Delineators:** The flexible delineator posts observed in the field did not match the locations shown on the original project plans nor the redlined plans dated March 2019. We recognize that the City's goal is to balance the safety goals of the project, the overall corridor aesthetics, and the number of posts installed in the field (which must then be maintained and are ultimately removed each winter). As noted in Figure 3, the entirety of this corridor would benefit from separated bike lanes, but if that is not possible we recommend prioritizing the locations of delineators at intersections to control the speeds of turning vehicles, at areas of parking as noted above, and along selections of buffered bike lane where the curvature of the roadway may cause motorists to encroach into the bike lane buffer. For aesthetics, other vertical elements could be considered to replace some of the traditional flexible delineators. The K71, or the more decorative K72, flexible delineators shown in Figure 7 could be considered. They are physically wider than traditional flexible delineators, which increases their visibility, but perform similarly if struck by a vehicle. Alternatively, decorative planters could be installed in the buffer and where space permits moved to the edge of sidewalk (top of curb) during the winter months.



Figure 7: K71 flexible delineators (left) and K72 flexible delineator (right)

7. **Green conflict markings:** The use of green pavement markings within intersections are intended to be used as a supplement to bicycle lane extension lines. The northbound bike lane ends at Highland Street and does not extend through this intersection; as such, the green conflict markings should not be provided across this intersection. The design may be revised to dash the bicycle lane buffer immediately south of Highland Street to signify to bicyclists that they may begin to merge into the shared lane.
8. **Pedestrian crossing improvement:** The original construction plans identified a Rectangular Rapid Flashing Beacon (RRFB) to be installed for the pedestrian crossing of Middle Street south of Wibird Street. This RRFB was not present at the time of our site visit and should be provided in accordance with the approved plans. However, the on-street parking south of the pedestrian crossing blocks a northbound motorist's view of the pedestrians until they are at the edge of the travel lane, and similarly blocks a pedestrian's view of approaching motorists until they've reached the edge of the travel lane. A pedestrian crossing refuge median should be considered to allow a pedestrian to get closer to the edge of the travel lane to be visible to approaching motorists. If this median is installed, the RRFB sign assembly should be installed on the median as depicted in Figure 8.

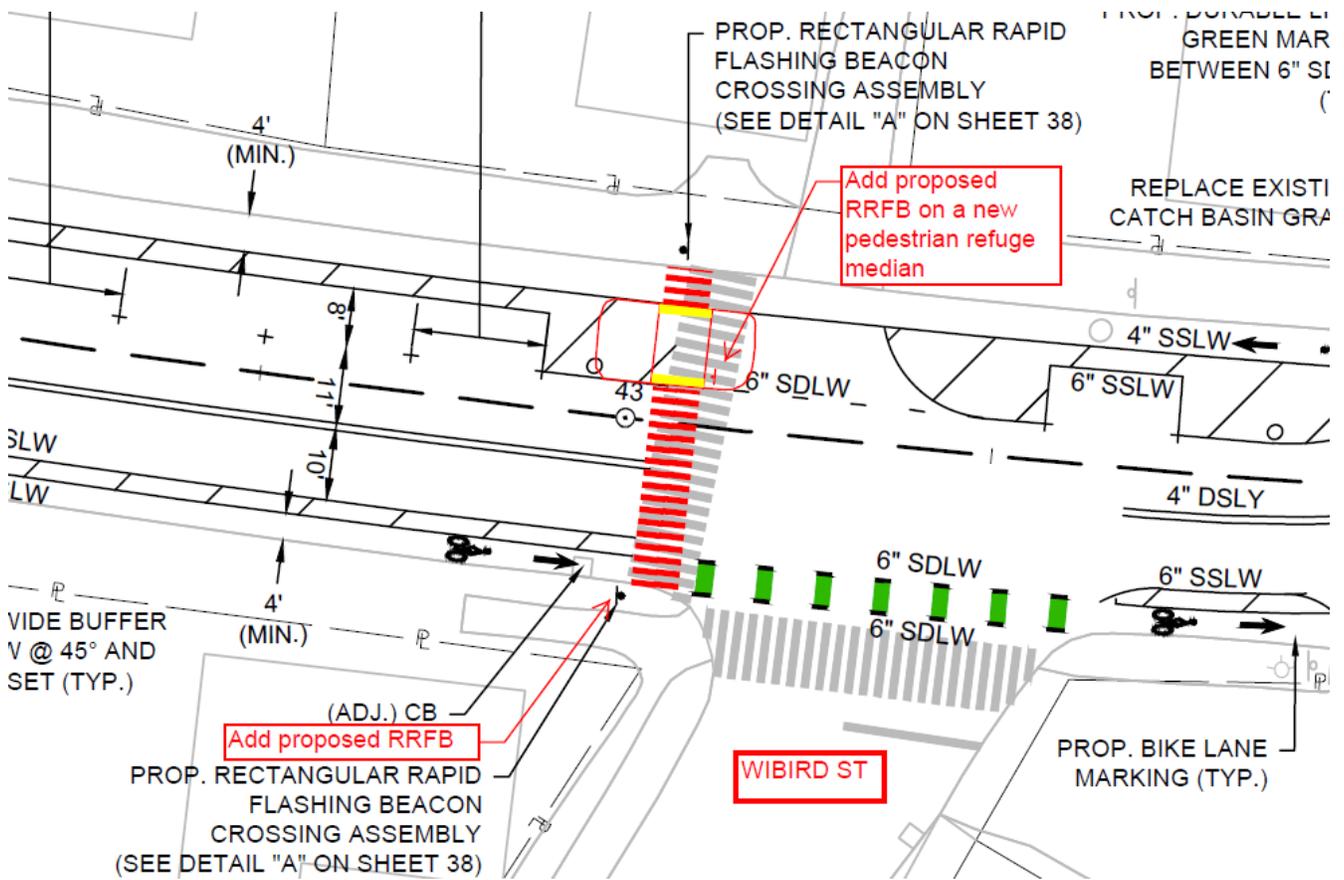


Figure 8: Pedestrian crossing recommendation for Middle Street at Wibird Street



# CITY OF PORTSMOUTH

Economic Development Department  
(603) 610-7220

January 14, 2021

Honorable Mayor Becksted and City Council  
Portsmouth City Hall  
1 Junkins Ave.  
Portsmouth, NH, 03801

RE: Portsmouth Arts and Culture Outreach and Advocacy

Dear Honorable Mayor Becksted and City Council:

At its January 8, 2021 monthly meeting, under the agenda item "Update on the Mayors Blue Ribbon Committee on Re-opening Portsmouth 2021," the Economic Development Commission (EDC) discussed the committee's new charge as it relates to inclusion of outreach and advocacy of City's arts and culture sector.

As we are all aware, the city's creative economy has been inordinately impacted by the pandemic due to COVID 19 restrictions on venues as well as audiences' reluctance to attend large gatherings. The EDC applauds the City Council for offering a venue for the Music Hall and for Pop-up NH in the public realm last summer to allow local artists and restaurants a place to safely perform and to earn much needed revenue.

As we have learned through the City's participation in the Americans for the Arts Economic Prosperity Studies in 2001, 2006, 2011, and 2016, the direct and indirect impact of the arts on the local economy, nearly \$60 Million annually, equates to that of cities five times the size of Portsmouth. As an important economic driver, the myriad of local arts organizations bring jobs, visitors, companies, residents, revenues, shoppers, diners, lodging customers, vibrancy and a sense of place to the city. The EDC strongly believes that the survival of this sector going forward is critical to "Portsmouth being Portsmouth."

Therefore, at its January 8<sup>th</sup> meeting the EDC unanimously voted to urge the Mayor and City Council to include arts and culture outreach, advocacy and research in the charge of Blue Ribbon Committee on Re-opening. In the event that a separate arts and culture committee is contemplated (*Which we now see occurred at the January 11<sup>th</sup> City Council meeting*), the EDC's respectfully requests representation on that committee. . Further, the EDC offers to serve as a

committee resource/partner to reach out to arts and culture organizations in order to better understand current industry needs now and in the near term.

On behalf of the Economic Development Commission, thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bob Marchewka", with a horizontal line underneath it.

**Bob Marchewka, Chair**  
**Portsmouth Economic Development Commission**

**CITY OF PORTSMOUTH  
LEGAL DEPARTMENT  
MEMORANDUM**

DATE: January 19, 2021

TO: KAREN S. CONARD, CITY MANAGER

FROM: SUZANNE M. WOODLAND, DEPUTY CITY ATTORNEY  
NANCY CARMER, ECONOMIC DEVELOPMENT MANAGER

RE: BROADBAND

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This memorandum serves as a report back to the City Council regarding the availability of broadband within the City of Portsmouth, Senate Bill 170 and the City's Franchise Agreement with Comcast.

**Background**

Broadband is generally available to all residential and commercial property owners in the City of Portsmouth. Consolidated Communications and Comcast/Xfinity are the principal (non-satellite dish) providers serving residential customers. Additional providers such as First Light (formerly Baying) provide services to business customers only. Comcast's network is more extensive in the City of Portsmouth than Consolidated's fiber network so some properties have a choice of providers while others do not. Broadband is currently defined by the FCC as a minimum of 25 Mpds download and 3 Mpds Upload.

In addition to broadband services, Comcast provides television services pursuant to its Franchise Agreement with the City of Portsmouth, a copy of which can be found on the City's website here:

<https://www.cityofportsmouth.com/sites/default/files/2019-05/CableTVRenewalFranchiseAgr.pdf>

The Franchise Agreement governs only the television programming available through Comcast. The City lacks the authority to regulate broadband services provided. The Franchise Agreement is non-exclusive, meaning that another television provider can enter the market and serve if it enters into a Franchise Agreement with the City. The current Franchise Agreement with Comcast expires February 29, 2024. The Portsmouth Cable Television and Communications Commission ("Cable Commission") during its last round of negotiations with Comcast argued vigorously for an improvement to broadband services. Comcast refused to include language in the Franchise Agreement relative to the broadband services because broadband services are regulated principally at the federal level including through the rules and orders of the Federal Communications Commission (FCC).

## **Prior Investigation into Community Broadband**

The Cable Commission investigated the possibility of developing/deploying community broadband in 2016 and 2017. A Committee involving members of the Cable Commission and the Economic Development Commission was created to assist in the evaluation. The thought was community broadband could deliver better download and upload speeds and better pricing to the Portsmouth community. This would help expand the accessibility of good digital services to residents who may not be currently well-served and provide improved infrastructure for business development.

A series of meetings were held. Committee members heard from Carol Miller, Director of Broadcast Technology, and Mark LaLiberte, Business Specialist, both from the New Hampshire Economic Development regarding development and expansion of broadband opportunities. In short, the Committee's work revealed that there was lackluster interest in the business community for community broadband (their existing internet service was adequate) and that there were funding mechanism hurdles. Those funding mechanism hurdles were not solved by Senate Bill 170.

## **Senate Bill 170**

Senate Bill 170 passed in 2018 permits municipalities to issue bonds for the purpose of providing or expanding broadband infrastructure but only if the area to be served does not have an existing broadband option. I include a copy of the final version of the bill. For a community such as Portsmouth with existing providers supplying broadband, the City would have to find a funding mechanism that does not involve bonding in order to develop community broadband.

## **Local Broadband Issues**

City staff is aware that reliable high speed access is an issue for some households in Portsmouth. Early on in the pandemic, staff was able to get some attention from the providers to improve and remedy technical (non-economic) issues at individual households (making sure teachers could teach remotely). More problematic has been the ability to get reliable service to economically disadvantaged households to support online learning. Discounted service through the Internet Essentials program can be provided but the connections are not stable/the upload and download speeds not fast enough to make online learning as effective as it could be, or in some cases, as it needed to be. The School Department and the Portsmouth Housing Authority brought this concern forward and the Community Development Department (which had some resources to put to this issue) and the Legal Department attempted to work with first Comcast and then Consolidated to try to improve broadband speeds for these low to moderate income households. Neither provider however was able to partner with the City to solve the issue.

## **Federal Level Changes and Funding**

The City will be keeping eye out for changes in the law/rules and funding opportunities at the federal level. To date the focus appears to be on increasing accessibility in areas that are not served/underserved in rural areas.

**CHAPTER 118  
SB 170 - FINAL VERSION**

01/03/2018 2497s  
04/26/2018 1808EBA

2018 SESSION

17-0794  
06/01

SENATE BILL ***170***

AN ACT relative to the authority of towns to issue bonds for the expansion of broadband infrastructure.

SPONSORS: Sen. Kahn, Dist 10; Rep. Bordenet, Ches. 5

COMMITTEE: Public and Municipal Affairs

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**ANALYSIS**

This bill permits municipalities to issue bonds for the purpose of providing or expanding broadband infrastructure.

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**Explanation:** Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struck through]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 118  
SB 170 - FINAL VERSION

CM Info Item #1

01/03/2018 2497s  
04/26/2018 1808EBA

17-0794  
06/01

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eighteen*

AN ACT relative to the authority of towns to issue bonds for the expansion of broadband infrastructure.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 118:1 Municipal Finance Act; Definitions; Location. Amend RSA 33:1, III to read as  
2 follows:

3 III. "Net indebtedness," all outstanding and authorized indebtedness, heretofore  
4 or hereafter incurred by a municipality, exclusive of the following: unmatured tax  
5 anticipation notes issued according to law; or notes issued in anticipation of grants of  
6 federal or state aid or both; debts incurred for supplying the inhabitants with water or  
7 for the construction, enlargement, improvement or maintenance of water works; debts  
8 incurred to finance the cost of sewerage systems or enlargements or improvements  
9 thereof, or sewage or waste disposal works when the cost thereof is to be financed by  
10 sewer rents or sewer assessment; debt incurred pursuant to RSA 31:10; debts incurred to  
11 finance energy production projects, the reconstruction or enlargement of a municipally  
12 owned utility, or the manufacture or furnishing of light, heat, power or water for the  
13 public, or the generation, transmission or sale of energy ultimately sold to the public;  
14 debts incurred to finance small scale power facilities under RSA 374-D; debts incurred  
15 outside the statutory debt limit of the municipality under any general law or special act  
16 heretofore or hereafter enacted (unless otherwise provided in such legislation); and  
17 sinking funds and cash applicable solely to the payment of the principal of debts  
18 incurred within the debt limit[-];

19 *IV. "Location," property, parcel, or address where broadband could be purchased*  
20 *by a customer.*

21 118:2 Municipal Finance Act; Purpose of Issue of Bonds. Amend RSA 33:3 to read as  
22 follows:

23 33:3 Purpose of Issue of Bonds or Notes. A municipality or county may issue its  
24 bonds or notes for the acquisition of land, *for economic development*, for planning  
25 relative to public facilities, for the construction, reconstruction, alteration, and  
26 enlargement or purchase of public buildings, for other public works or improvements, *or*  
27 *for the financing of improvements*, of a permanent nature including broadband  
28 infrastructure as defined in RSA 38:38, I(e), ~~[to be purchased or constructed in areas not~~  
29 ~~served by an existing broadband carrier or provider,]~~ *to serve any location within a*

**CHAPTER 118**  
**SB 170 - FINAL VERSION**  
**- Page 2 -**

1 ***municipality unserved by broadband as defined in RSA 38:38, I(c)*** for the purchase of  
 2 departmental equipment of a lasting character, ***and*** for the payment of judgments ~~and~~  
 3 ~~for purposes of economic development which].~~ ***The issuance of such bonds or notes*** shall  
 4 include, ***but not be limited to,*** public-private partnerships involving capital  
 5 improvements, loans, ***financing,*** and guarantees. The public benefit in any public-  
 6 private partnership must outweigh any benefit accruing to a private party. Bonds or  
 7 notes for the purposes of economic development may be issued only after the governing  
 8 body of the municipality or county has held hearings and presented the public benefit  
 9 findings to the public and after such issuance has been approved by the legislative body.  
 10 A municipality or county shall not issue bonds or notes to provide for the payment of  
 11 expenses for current maintenance and operation except as otherwise specifically  
 12 provided by law.

13 118:3 Municipal Finance Act; Issue of Bonds for Preliminary Expenses. Amend RSA  
 14 33:3-c, I to read as follows:

15 I. A municipality or county may issue its bonds or notes for the purpose of  
 16 defraying the cost of preliminary or final plans and specifications or other preliminary  
 17 expenses incidental to, or connected with, any proposed public work or improvement of  
 18 a permanent nature consisting of the construction, reconstruction, alteration,  
 19 enlargement, ~~or~~ improvement, ***or the financing of the construction, reconstruction,***  
 20 ***alteration, enlargement, or improvement*** of the following:

21 (a) A public building.

22 (b) A water works.

23 (c) A sewerage system or sewage or waste treatment facility.

24 (d) A solid waste disposal or resource recovery facility.

25 (e) Broadband infrastructure as defined in RSA 38:38, ***I(e)*** ~~[to be purchased or]~~  
 26 ~~constructed [in areas not served]~~ ***to serve any locations within a municipality unserved***  
 27 ~~by [an existing] broadband [carrier or provider]~~ ***as defined in RSA 38:38, I(c).***

28 118:4 Municipal Finance Act; Broadband Infrastructure Bonds. Amend RSA 33:3-g to  
 29 read as follows:

30 33:3-g Broadband Infrastructure Bonds.

31 I. A municipality may issue bonds for the purpose of financing the development,  
 32 construction, reconstruction, ~~renovation,~~ ***and improvement,*** ~~and acquisition]~~ of  
 33 broadband infrastructure in ~~[areas not served by an existing broadband carrier or~~  
 34 ~~provider that would be provided at a fee to broadband carriers that provide broadband~~  
 35 ~~services]~~ ***any locations within a municipality unserved by broadband as defined in RSA***  
 36 ***38:38, I(c).*** Without limiting the foregoing, broadband infrastructure may be the subject  
 37 of public-private partnerships established in accordance with the provisions of RSA 33:3.

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1           II. Bonds issued under this section shall be payable in annual payments so that  
2 the amount of annual payment of principal and interest in any year on account of any  
3 bond shall be not less than the amount of principal and interest payable in any  
4 subsequent year by more than 5 percent of the principal of the entire bond. The total  
5 amount of payments shall be sufficient to extinguish the entire bond at such bond's  
6 maturity. The first payment of principal on any bond shall be made no later than 5 years  
7 and the last payment not later than 30 years after the date issued. Each authorized issue  
8 of bonds shall be a separate and distinct loan.

9           III. A municipality shall not issue bonds for the purpose of financing the  
10 development, construction, reconstruction, renovation, improvement, and acquisition of  
11 broadband infrastructure in ~~[areas not served by an existing broadband carrier or~~  
12 ~~provider]~~ **any location within a municipality unserved by broadband as defined in RSA**  
13 **38:38, I(c)** unless a request for ~~[proposals]~~ **information** has been issued ~~[and no~~  
14 ~~broadband carrier or provider has responded positively within 2 months or deployed~~  
15 ~~broadband service within 14 months of the issuance of the request for proposals], at a~~  
16 **minimum, to all providers serving the issuing community and such providers have been**  
17 **given 2 months to respond to the request. The request for information may include, but**  
18 **is not limited to, information identifying locations within a municipality unserved by**  
19 **broadband as defined in RSA 38:38, I(c). After completing, issuing, and receiving**  
20 **responses to such request for information, a municipality may issue a request for**  
21 **proposals for the purpose of engaging in a public-private partnership pursuant to RSA**  
22 **33:3 or RSA 33-B for the deployment of broadband infrastructure, as defined in RSA**  
23 **38:38, I(e), and the provision of broadband service as defined in RSA 38:38, I(f). A**  
24 **municipality may select a proposal based on criteria including, but not limited to,**  
25 **provider ability to deploy, manage, and maintain a broadband network which meets or**  
26 **exceeds the anticipated needs of the community. A municipality may determine that no**  
27 **provider has met the criteria included in the request for proposals and may issue bonds**  
28 **for purposes pursuant to RSA 33:3 and RSA 33-B, including but not limited to, open**  
29 **networks.**

30           118:5 Municipal Revenue Bonds; Definitions; Revenue-producing Facilities. Amend  
31 RSA 33-B:1, VI to read as follows:

32           VI. "Revenue-producing facilities" means water works, broadband infrastructure  
33 as defined in RSA 38:38, I(e), purchased or constructed ~~[in areas not served by an~~  
34 ~~existing broadband carrier or provider]~~ **to serve any location within a municipality**  
35 **unserved by broadband as defined in RSA 38:38, I(c), sewerage systems, sewage**  
36 **treatment or disposal facilities, solid waste disposal or resource recovery facilities,**  
37 **parking facilities, facilities for the production, generation, transmission, or distribution**

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1 of electricity or gas, any other real or personal property or interests in a municipality or  
 2 regional water district owned or controlled by the municipality or regional water  
 3 district, from the operation of which revenues are or are expected to be derived by the  
 4 municipality, or regional water district, and qualifying energy conservation and clean  
 5 energy improvements for which a municipality provides financing pursuant to RSA 53-F.

6 118:6 Broadband Access; Definitions. Amend RSA 38:38, I to read as follows:

7 I. In this subdivision:

8 (a) "Access tariff" means the fee charged on a monthly or annual basis to  
 9 broadband ~~[carriers]~~ *providers* for access to the broadband infrastructure.

10 (b) "Areas not served" means any part of a municipality without a wireless or  
 11 facilities based broadband service or a wireless or facilities based broadband service  
 12 provider. Wireless shall not include subscription satellite service.

13 (c) "Broadband" means the transmission of information, between or among  
 14 points specified by the user, with or without change in the form or content of the  
 15 information as sent and received, at rates of transmission defined by the Federal  
 16 Communications Commission as ~~["broadband."]~~ *a wireline advanced telecommunications*  
 17 *capability as defined by section 706 of the Telecommunications Act of 1996, irrespective*  
 18 *of the network technology used.*

19 (d) "Broadband ~~[carrier]~~ *provider*" means any provider of broadband services,  
 20 except aggregators of broadband services, as defined in section 226 of the 1996  
 21 Telecommunications Act.

22 (e) "Broadband infrastructure" means all equipment and facilities, including  
 23 all changes, modifications, and expansions to existing facilities, as well as the customer  
 24 premises equipment used to provide broadband, *as defined in subparagraph (c)*, and any  
 25 software integral to or related to the operations, support, facilitation, or  
 26 interconnection of such equipment~~[- including upgrades, and any installation,~~  
 27 ~~operations and support, maintenance, and other functions required to support the~~  
 28 ~~delivery of broadband].~~

29 (f) "Broadband service" means the offering of broadband for a fee directly to  
 30 the public, or to such classes of users as to be effectively available directly to the public,  
 31 regardless of the facilities used.

32 (g) "Open network" means any broadband infrastructure which is open to any  
 33 third party users in a nondiscriminatory manner on a fair and equitable basis using  
 34 publicly available access tariffs for services.

35 (h) "Open network interfaces" means the technical and operational means,  
 36 manners, and methods for any third party access to the broadband infrastructure, which  
 37 shall be provided on the basis of generally acceptable industry standards available at

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1 the time of access.

2 118:7 Broadband Fund. Amend RSA 38:40, I to read as follows:

3 I. The funds received from the collection of access tariffs shall be kept as a  
4 separate fund to be known as the broadband fund. Such fund shall be allowed to  
5 accumulate from year to year, shall not be commingled with town or city tax revenues,  
6 and shall not be deemed part of the municipality's general fund accumulated surplus.  
7 Such fund may be expended only for the purposes specified in RSA ~~[38:38, or for the~~  
8 ~~previous expansion or replacement of broadband infrastructure]~~ **33:3 and BSA 33-B.**

9 118:8 Repeal. RSA 38:38, I(b), relative to the definition of areas not served by  
10 broadband, is repealed.

118:9 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 30, 2018

Effective Date: July 29, 2018

August 4, 2020

Portsmouth City Council  
City Hall  
Portsmouth, NH

RE: Renewable Energy

Honorable Mayor Becksted and City Councilors:

Well here's some good news. On June 3, a headline in the Guardian declared that *"Renewables Surpass Coal in US Energy Generation for First Time in 130 Years."* The article went on to explain why this is an encouraging development:

*"Coal releases more planet-warming carbon dioxide than any other energy source, with scientists warning its use must be rapidly phased out to achieve net-zero emissions globally by 2050 and avoid the worst ravages of the climate crisis."*

Yes, it's true, we are witnessing a paradigm shift. Local renewable energy installations are replacing grid-centric fossil fuel plants. So where exactly is Portsmouth situated along the spectrum? Regrettably, on this issue our city is on the wrong side of history.

Portsmouth's homes and businesses are mostly powered by Granite Shore's coal-fired Merrimack Station in Bow and Essential Power's gas-fired plant in Newington.<sup>1</sup> Eversource's recent \$126 million investment in upgrades to the transmission corridor from Madbury to Portsmouth<sup>2</sup> signals the industry's intent to keep our community dependent on fossil fuels well into the future.

The 60-year old Bow plant will soon be the last coal-burning plant in New England. As Merrimack Station accounts for only 2% of New England's electrical generation capacity, Portsmouth's reliance on coal relegates our city to that of an outlier.<sup>3</sup>

Many of the NH communities powered by Merrimack Station make a concerted effort to offset their dependence on coal by promoting renewable energy installations such as solar arrays. In contrast, Portsmouth's efforts in this regard have been feeble.

New Hampshire's political leadership has made it difficult to erect a utility-scale photovoltaic array that has an output in excess of one megawatt.<sup>4</sup> What does that look like? A one-megawatt installation would require five contiguous acres, more or less, and would power 700 to 1,000 homes.

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<sup>1</sup> A common misconception is that the 1,250 MW Seabrook Station powers NH's seacoast region. In fact, nearly all of that facility's electrical output is sent south.

<sup>2</sup> Eversource's Seacoast Reliability Project, so-called, was completed on June 1, 2020.

<sup>3</sup> The Bow plant's 438 MW capacity is 2% of New England's 20,014 MW of available capacity, per US EIA.

<sup>4</sup> I am counting on Councilor McEachern to fix this problem when he gets to Concord.

Yet, five-acre solar installations would fit in quite nicely at a number of locations in Portsmouth. The advantages are several:

- **Profitable** - The landowner profits;
- **Taxes** - The city collects property taxes on backland that might otherwise be difficult to access for other purposes;
- **Energy Diversification** - Portsmouth decreases its reliance on fossil fuels;
- **Reliable** - A shorter transmission route reduces the lines' vulnerability to extreme weather events;
- **Efficient** - Shorter transmission routes result in less electricity loss enroute.
- **Cost** - The cost of solar panels continues to trend downward;
- **Emissions** - Unlike coal and gas, solar farms generate no greenhouse gases;
- **Flexible** - Should the landowner subsequently desire a new use for the land, the solar installations are easily dismantled.

Sounds pretty good, no? Well, here's the problem: Your staff crafted zoning provisions that effectively ban such installations, citywide.

Admittedly, developers of solar farms face several hurdles in NH, not least of which are excessive fees for connection to the Eversource grid. Portsmouth's zoning ordinance should not be among the obstacles to the development of solar facilities in our city, certainly not as we enter the third decade of the 21<sup>st</sup> century. Should we fail to mitigate our impact on the climate, the disruption and hardships wrought by COVID-19 are but a preview of the cascading catastrophes that will befall our children and grandchildren.

I am writing to request that you direct your staff to draft an amendment to the zoning ordinance that would permit solar farms at appropriate locations, and to draft site plan review regulations to protect abutters, the environment, and taxpayers from improper installations. Such regulatory provisions are commonplace in New England. It is long past time for eco-municipality Portsmouth to develop land use policies that are responsive to the challenges that we face in the 21<sup>st</sup> century.

Thank you for your consideration,



Tom Morgan  
39 Richards Avenue

cc: Planning Board  
Conservation Commission